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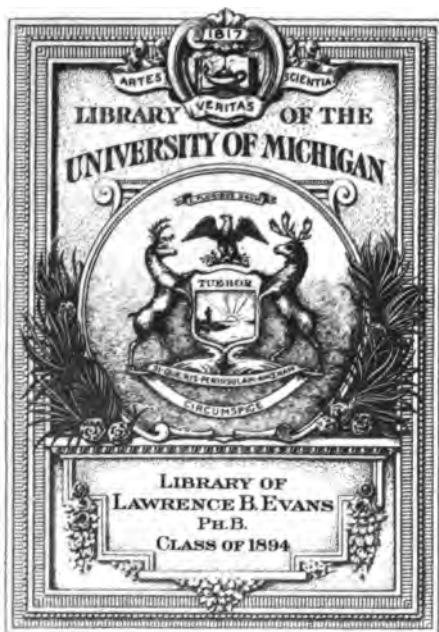
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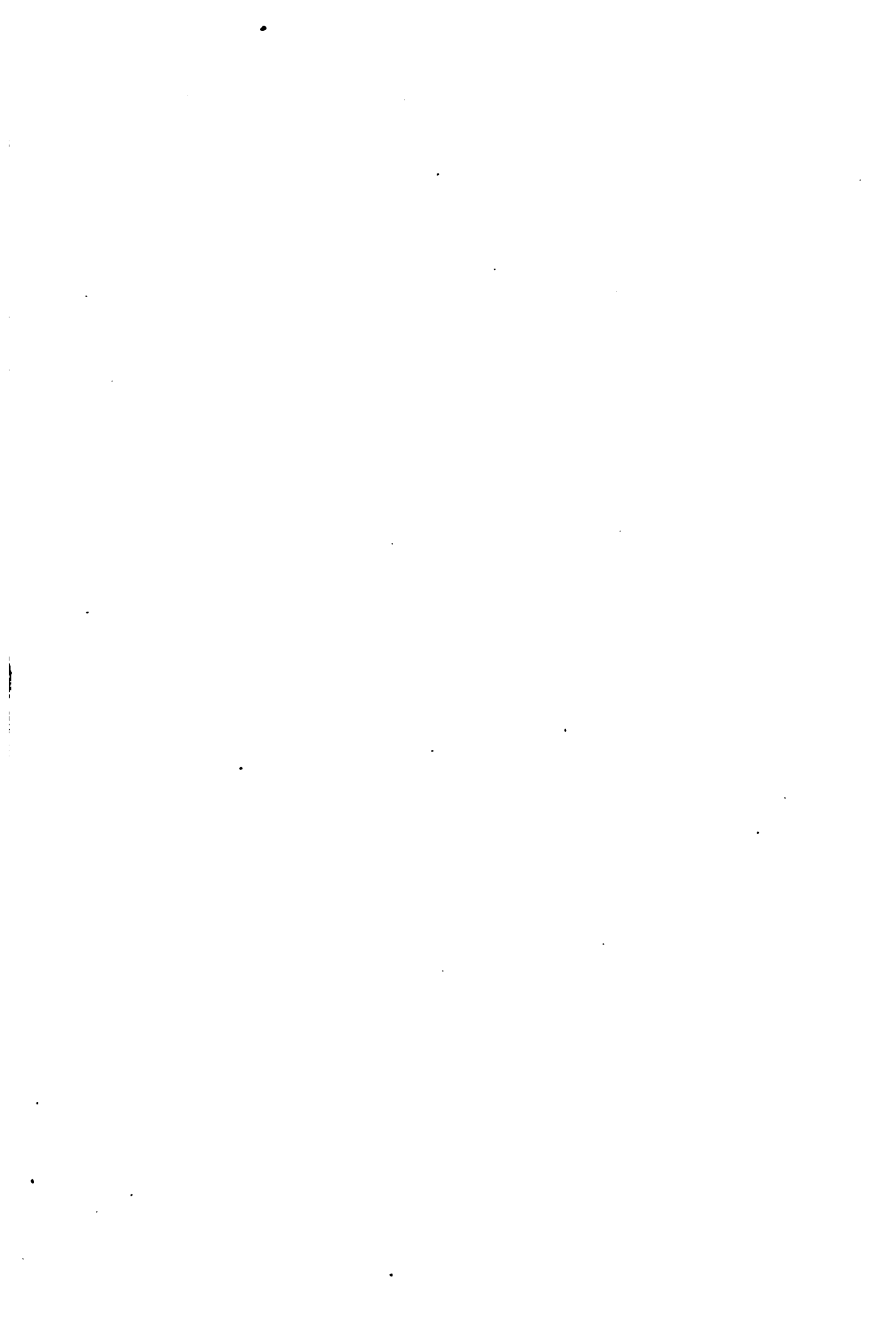


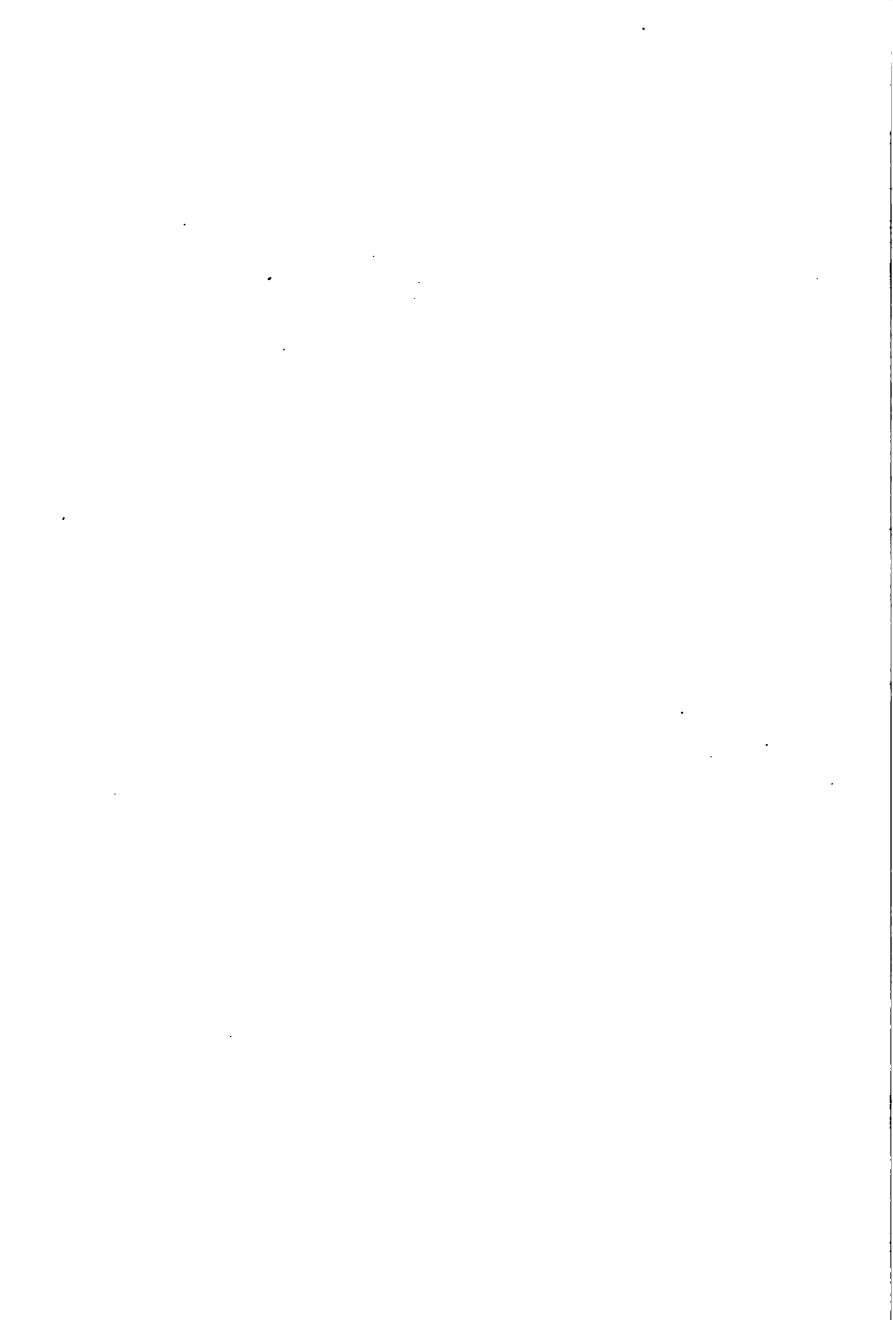
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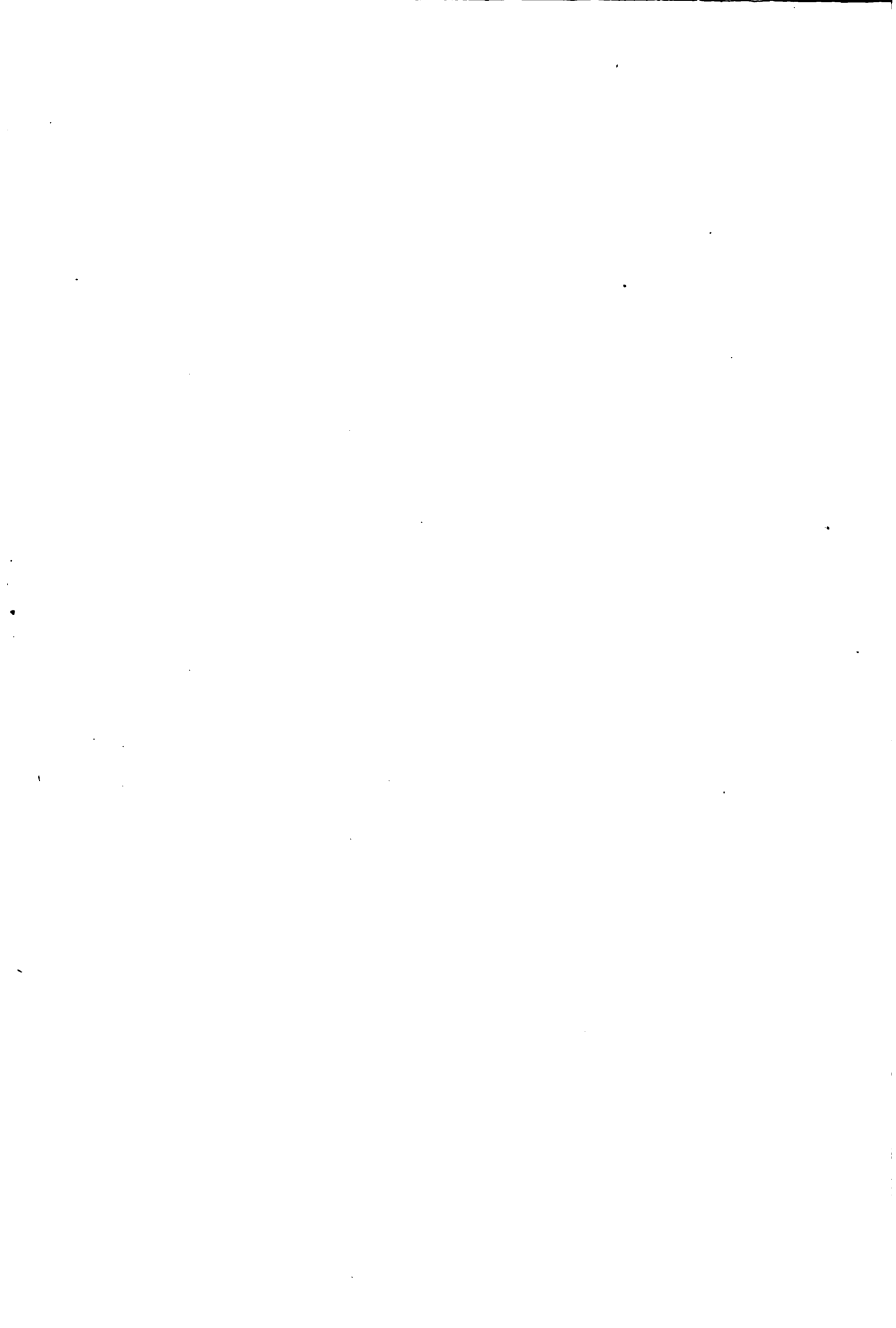
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AMERICAN ORATIONS

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NEW YORK & LONDON

AMERICAN ORATIONS

STUDIES IN AMERICAN POLITICAL HISTORY

EDITED WITH INTRODUCTIONS BY

ALEXANDER JOHNSTON

Late Professor of Jurisprudence and Political Economy in
the College of New Jersey

RE-EDITED WITH HISTORICAL AND
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INTRODUCTION TO THE REVISED VOLUME.

THE third volume of the *American Orations* is devoted to the continuation of the slavery controversy and to the progress of the secession movement which culminated in civil war.

To the speeches of the former edition of the volume have been added: Everett on the Nebraska bill; Benjamin on the Property Doctrine and Slavery in the Territories; Lincoln on the Dred Scott Decision; Wade on Secession and the State of the Union; Crittenden on the Crittenden Compromise; and Jefferson Davis's notable speech in which he took leave of the United State Senate, in January, 1861.

Judged by its political consequences no piece of legislation in American history is of

greater historical importance than the Kansas-Nebraska bill. By that act the Missouri Compromise was repealed and the final conflict entered upon with the slave power. In addition to the speeches of Douglas and Chase, representing the best word on the opposing sides of the famous Nebraska controversy, the new volume includes the notable contribution by Edward Everett to the Congressional debates on that subject. Besides being an orator of high rank and of literary renown, Everett represented a distinct body of political opinion. As a conservative Whig he voiced the sentiment of the great body of the followers of Webster and Clay who had helped to establish the Compromise of 1850 and who wished to leave that settlement undisturbed. The student of the Congressional struggles of 1854 will be led by a speech like that of Everett to appreciate that moderate and conservative spirit toward slavery which would not persist in any anti-slavery action having a tendency to disturb the harmony of the Union. That

this conservative opinion looked upon the repeal of the Missouri Compromise as an act of aggression in the interest of slavery is indicated by Everett's speech, and this gives the speech its historic significance.

Judah P. Benjamin may be said to have been the ablest legal defender of slavery in public life during the decade of 1850-60. His speech on the right of property in slaves and the right of slavery to national protection in the territories was probably the ablest on that side of the controversy. Lincoln's speech on the Dred Scott Decision has been substituted for one by John C. Breckinridge on the same subject; this will serve to bring into his true proportions this great leader of the combined anti-slavery forces. No voice, in the beginnings of secession and disunion, could better reflect the positive and uncompromising Republicanism of the Northwest than that of Wade. The speech from him which we have appropriated is in many ways worthy of the attention of the historical student.

We may look to Crittenden as the best expositor of the Crittenden Compromise, the leading attempt at compromise and conciliation in the memorable session of Congress of 1860-61. Crittenden's subject and personality add historical prominence to his speech. The Crittenden Compromise would probably have been accepted by Southern leaders like Davis and Toombs if it had been acceptable to the republican leaders of the North. The failure of that Compromise made disunion and war inevitable. Jefferson Davis' memorable farewell to the Senate, following the assured failure of compromise, seems a fitting close to the period of our history which brings us to the eve of the Civil War.

The introduction of Professor Johnston on "Secession" is retained as originally prepared. A study of the speeches, with this introduction and the appended notes, will give a fair idea of the political issues dividing the country in the important years immediately preceding the war. Limitations of space prevent the publication of

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the full speeches from the exhaustive Congressional debates, but in several instances where it has seemed especially desirable omissions from the former volume have been supplied with the purpose of more fully representing the subjects and the speakers. To the reader who is interested in historical politics in America these productions of great political leaders need no recommendation from the editor.

J. A. W.

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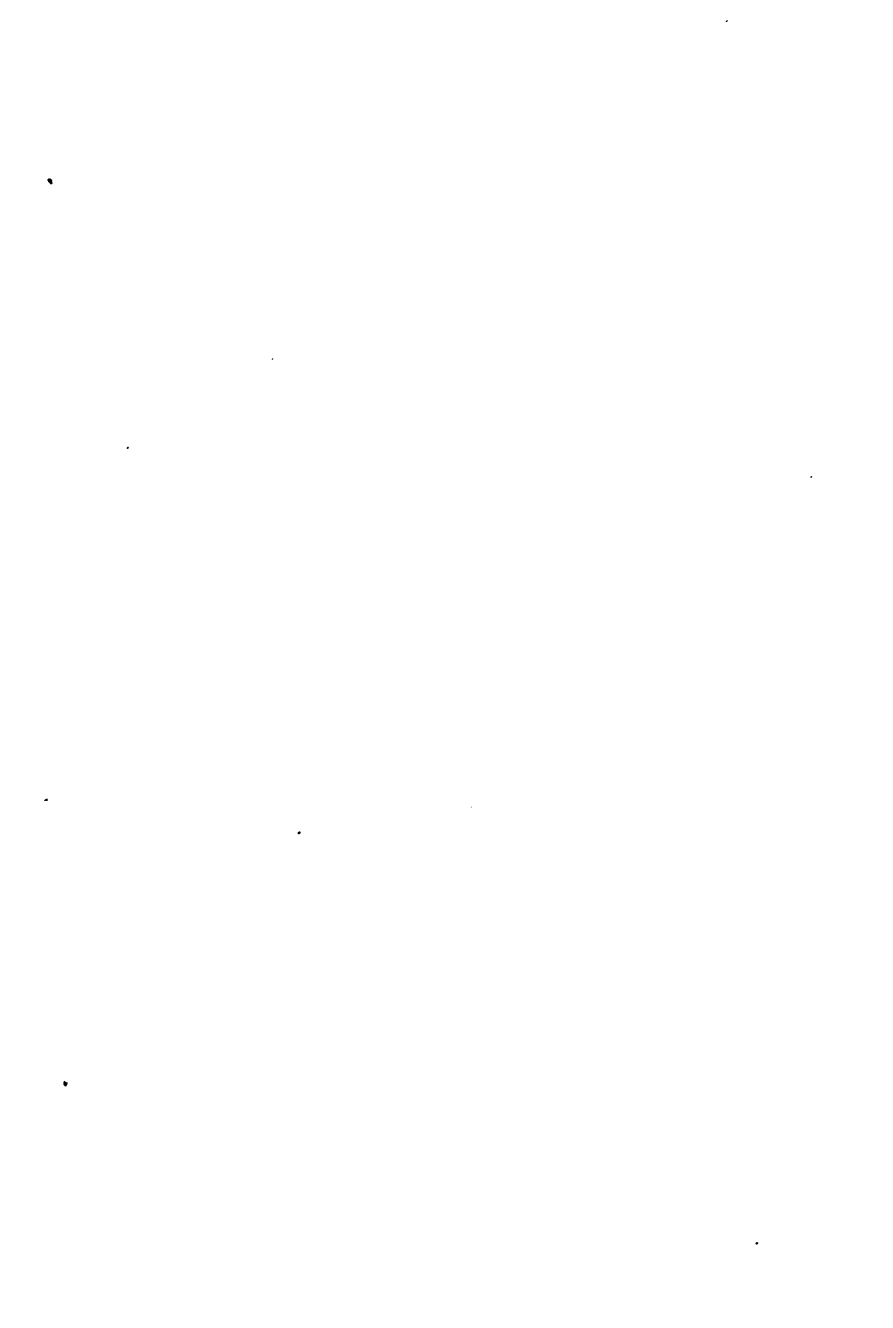
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V.

THE ANTI-SLAVERY STRUGGLE.

(CONTINUED FROM VOLUME II.)



SALMON PORTLAND CHASE,*

OF OHIO.¹

(BORN 1808, DIED 1873.)

**ON THE KANSAS-NEBRASKA BILL ; SENATE, FEBRU-
ARY 3, 1854.²**

THE bill for the organization of the Territories of Nebraska and Kansas being under consideration—

Mr. CHASE submitted the following amendment :

Strike out from section 14 the words “ was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and ” ; so that the clause will read :

“ That the Constitution, and all laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory of Nebraska as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820, which is hereby declared inoperative.”

Mr. CHASE said :

* For notes on Chase, see Appendix, p. 333.

Mr. President, I had occasion, a few days ago to expose the utter groundlessness of the personal charges made by the Senator from Illinois (Mr. Douglas) against myself and the other signers of the Independent Democratic Appeal.⁹ I now move to strike from this bill a statement which I will to-day demonstrate to be without any foundation in fact or history. I intend afterward to move to strike out the whole clause annulling the Missouri prohibition.

I enter into this debate, Mr. President, in no spirit of personal unkindness. The issue is too grave and too momentous for the indulgence of such feelings. I see the great question before me, and that question only.

Sir, these crowded galleries, these thronged lobbies, this full attendance of the Senate, prove the deep, transcendent interest of the theme.

A few days only have elapsed since the Congress of the United States assembled in this Capitol. Then no agitation seemed to disturb the political elements. Two of the great political parties of the country, in their national conventions, had announced that slavery agitation was at an end, and that henceforth that subject was not to be discussed in Congress or out of Congress. The President, in his annual mes-

sage, had referred to this state of opinion, and had declared his fixed purpose to maintain, as far as any responsibility attached to him, the quiet of the country. Let me read a brief extract from that message :

“ It is no part of my purpose to give promise to any subject which may properly be regarded as set at rest by the deliberate judgment of the people. But while the present is bright with promise, and the future full of demand and inducement for the exercise of active intelligence, the past can never be without useful lessons of admonition and instruction. If its dangers serve not as beacons, they will evidently fail to fulfil the object of a wise design. When the grave shall have closed over all those who are now endeavoring to meet the obligations of duty, the year 1850 will be recurred to as a period filled with anxious apprehension. A successful war had just terminated. Peace brought with it a vast augmentation of territory. Disturbing questions arose, bearing upon the domestic institutions of one portion of the Confederacy, and involving the constitutional rights of the States. But, notwithstanding differences of opinion and sentiment, which then existed in relation to details and specific pro-

visions, the acquiescence of distinguished citizens, whose devotion to the Union can never be doubted, had given renewed vigor to our institutions, and restored a sense of repose and security to the public mind throughout the Confederacy. That this repose is to suffer no shock during my official term, if I have power to avert it, those who placed me here may be assured."

The agreement of the two old political parties, thus referred to by the Chief Magistrate of the country, was complete, and a large majority of the American people seemed to acquiesce in the legislation of which he spoke.

A few of us, indeed, doubted the accuracy of these statements, and the permanency of this repose. We never believed that the acts of 1850 would prove to be a permanent adjustment of the slavery question. We believed no permanent adjustment of that question possible except by a return to that original policy of the fathers of the Republic, by which slavery was restricted within State limits, and freedom, without exception or limitation, was intended to be secured to every person outside of State limits and under the exclusive jurisdiction of the General Government.

But, sir, we only represented a small, though vigorous and growing, party in the country. Our number was small in Congress. By some we were regarded as visionaries—by some as factionists; while almost all agreed in pronouncing us mistaken.

And so, sir, the country was at peace. As the eye swept the entire circumference of the horizon and upward to mid-heaven not a cloud appeared; to common observation there was no mist or stain upon the clearness of the sky.

But suddenly all is changed. Rattling thunder breaks from the cloudless firmament. The storm bursts forth in fury. Warring winds rush into conflict.

“Eurus, Notusque ruunt, creberque procellis
Africus.”

Yes, sir, “*creber procellis Africus*”—the South wind thick with storm. And now we find ourselves in the midst of an agitation, the end and issue of which no man can foresee.

Now, sir, who is responsible for this renewal of strife and controversy? Not we, for we have introduced no question of territorial slavery into Congress—not we who are denounced as agitators and factionists. No, sir:

the quietists and the finalists have become agitators ; they who told us that all agitation was quieted, and that the resolutions of the political conventions put a final period to the discussion of slavery.

This will not escape the observation of the country. It is *Slavery* that renews the strife. It is Slavery that again wants room. It is Slavery, with its insatiate demands for more slave territory and more slave States.

And what does Slavery ask for now ? Why, sir, it demands that a time-honored and sacred compact shall be rescinded—a compact which has endured through a whole generation—a compact which has been universally regarded as inviolable, North and South—a compact, the constitutionality of which few have doubted, and by which all have consented to abide.

It will not answer to violate such a compact without a pretext. Some plausible ground must be discovered or invented for such an act ; and such a ground is supposed to be found in the doctrine which was advanced the other day by the Senator from Illinois, that the compromise acts of 1850 “superseded” the prohibition of slavery north of 36° 30', in the act preparatory for the admission of Missouri. Ay,

sir, "superseded" is the phrase—"superseded by the principles of the legislation of 1850, commonly called the compromise measures."

It is against this statement, untrue in fact, and without foundation in history, that the amendment which I have proposed is directed.

Sir, this is a novel idea. At the time when these measures were before Congress in 1850, when the questions involved in them were discussed from day to day, from week to week, and from month to month, in this Senate chamber, who ever heard that the Missouri prohibition was to be superseded? What man, at what time, in what speech, ever suggested the idea that the acts of that year were to affect the Missouri compromise? The Senator from Illinois the other day invoked the authority of Henry Clay—that departed statesman, in respect to whom, whatever may be the differences of political opinion, none question that, among the great men of this country, he stood proudly eminent. Did he, in the report made by him as the chairman of the Committee of Thirteen, or in any speech in support of the compromise acts, or in any conversation in the committee, or out of the committee, ever even hint at this doctrine of supersedure? Did any

supporter or any opponent of the compromise acts ever vindicate or condemn them on the ground that the Missouri prohibition would be affected by them? Well, sir, the compromise acts were passed. They were denounced North, and they were denounced South. Did any defender of them at the South ever justify his support of them upon the ground that the South had obtained through them the repeal of the Missouri prohibition? Did any objector to them at the North ever even suggest as a ground of condemnation that that prohibition was swept away by them? No, sir! No man, North or South, during the whole of the discussion of those acts here, or in that other discussion which followed their enactment throughout the country, ever intimated any such opinion.

Now, sir, let us come to the last session of Congress. A Nebraska bill passed the House and came to the Senate, and was reported from the Committee on Territories by the Senator from Illinois, as its chairman. Was there any provision in it which even squinted toward this notion of repeal by supersedure? Why, sir, Southern gentlemen opposed it on the very ground that it left the Territory under the operation of the Missouri prohibition. The Sen-

ator from Illinois made a speech in defence of it. Did he invoke Southern support upon the ground that it superseded the Missouri prohibition? Not at all. Was it opposed or vindicated by anybody on any such ground? Every Senator knows the contrary. The Senator from Missouri (Mr. Atchison), now the President of this body, made a speech upon the bill, in which he distinctly declared that the Missouri prohibition was not repealed, and could not be repealed.

I will send this speech to the Secretary, and ask him to read the paragraphs marked.

The Secretary read as follows :

“I will now state to the Senate the views which induced me to oppose this proposition in the early part of this session.

“I had two objections to it. One was that the Indian title in that Territory had not been extinguished, or, at least, a very small portion of it had been. Another was the Missouri compromise, or, as it is commonly called, the slavery restriction. It was my opinion at that time—and I am not now very clear on that subject—that the law of Congress, when the State of Missouri was admitted into the Union, excluding slavery from the Territory of Louisiana north of 36° 30', would be enforced in that Territory unless it was specially rescinded, and

whether that law was in accordance with the Constitution of the United States or not, it would do its work, and that work would be to preclude slave-holders from going into that Territory. But when I came to look into that question, I found that there was no prospect, no hope, of a repeal of the Missouri compromise excluding slavery from that Territory. Now, sir, I am free to admit, that at this moment, at this hour, and for all time to come, I should oppose the organization or the settlement of that Territory unless my constituents, and the constituents of the whole South—of the slave States of the Union,—could go into it upon the same footing, with equal rights and equal privileges, carrying that species of property with them as other people of this Union. Yes, sir, I acknowledge that that would have governed me, but I have no hope that the restriction will ever be repealed.

“I have always been of opinion that the first great error committed in the political history of this country was the ordinance of 1787, rendering the Northwest Territory free territory. The next great error was the Missouri compromise. But they are both irremediable. There is no remedy for them. We must submit to them. I am prepared to do it. It is evident that the Missouri compromise cannot be repealed. So far as that question is concerned, we might as well agree to the admission of this Territory now as next year, or five or ten years

hence.”—*Congressional Globe*, Second Session, 32d Cong., vol. xxvi., page 1113.

That, sir, is the speech of the Senator from Missouri (Mr. Atchison), whose authority, I think, must go for something upon this question. What does he say? “When I came to look into that question”—of the possible repeal of the Missouri prohibition—that was the question he was looking into—“I found that there was no prospect, no hope, of a repeal of the Missouri compromise excluding slavery from that Territory.” And yet, sir, at that very moment, according to this new doctrine of the Senator from Illinois, it had been repealed three years!

Well, the Senator from Missouri said further, that if he thought it possible to oppose this restriction successfully, he never would consent to the organization of the territory until it was rescinded. But, said he, “I acknowledge that I have no hope that the restriction will ever be repealed.” Then he made some complaint, as other Southern gentlemen have frequently done, of the ordinance of 1787, and the Missouri prohibition; but went on to say: “They are both irremediable; there is no remedy for them; we must submit to them; I am prepared

to do it; it is evident that the Missouri compromise cannot be repealed."

Now, sir, when was this said? It was on the morning of the 4th of March, just before the close of the last session, when that Nebraska bill, reported by the Senator from Illinois, which proposed no repeal, and suggested no supersedure, was under discussion. I think, sir, that all this shows pretty clearly that up to the very close of the last session of Congress nobody had ever thought of a repeal by supersedure. Then what took place at the commencement of the present session? The Senator from Iowa,⁴ early in December, introduced a bill for the organization of the Territory of Nebraska. I believe it was the same bill which was under discussion here at the last session, line for line, word for word. If I am wrong, the Senator will correct me.

Did the Senator from Iowa, then, entertain the idea that the Missouri prohibition had been superseded? No, sir, neither he nor any other man here, so far as could be judged from any discussion, or statement, or remark, had received this notion.

Well, on the 4th day of January, the Committee on Territories, through their chairman, the

Senator from Illinois, made a report on the territorial organization of Nebraska ; and that report was accompanied by a bill. Now, sir, on that 4th day of January, just thirty days ago, did the Committee on Territories entertain the opinion that the compromise acts of 1850 superseded the Missouri prohibition? If they did, they were very careful to keep it to themselves. We will judge the committee by their own report. What do they say in that? In the first place they describe the character of the controversy, in respect to the Territories acquired from Mexico. They say that some believed that a Mexican law prohibiting slavery was in force there, while others claimed that the Mexican law became inoperative at the moment of acquisition, and that slave-holders could take their slaves into the Territory and hold them there under the provisions of the Constitution. The Territorial Compromise acts, as the committee tell us, steered clear of these questions. They simply provided that the States organized out of these Territories might come in with or without slavery, as they should elect, but did not affect the question whether slaves could or could not be introduced before the organization of State govern-

ments. That question was left entirely to judicial decision.

Well, sir, what did the committee propose to do with the Nebraska Territory? In respect to that, as in respect to the Mexican Territory, differences of opinion exist in relation to the introduction of slaves. There are Southern gentlemen who contend that notwithstanding the Missouri prohibition, they can take their slaves into the territory covered by it, and hold them there by virtue of the Constitution. On the other hand the great majority of the American people, North and South, believe the Missouri prohibition to be constitutional and effectual. Now, what did the committee propose? Did they propose to repeal the prohibition? Did they suggest that it had been superseded? Did they advance any idea of that kind? No, sir. This is their language:

“Under this section, as in the case of the Mexican law in New Mexico and Utah, it is a disputed point whether slavery is prohibited in the Nebraska country by valid enactment. The decision of this question involves the constitutional power of Congress to pass laws prescribing and regulating the domestic institutions of the various Territories of the Union. In the opinion of those eminent statesmen who

hold that Congress is invested with no rightful authority to legislate upon the subject of slavery in the Territories, the eighth section of the act preparatory to the admission of Missouri is null and void, while the prevailing sentiment in a large portion of the Union sustains the doctrine that the Constitution of the United States secures to every citizen an inalienable right to move into any of the Territories with his property, of whatever kind and description, and to hold and enjoy the same under the sanction of law. Your committee do not feel themselves called upon to enter into the discussion of these controverted questions. They involve the same grave issues which produced the agitation, the sectional strife, and the fearful struggle of 1850."

This language will bear repetition :

"Your committee do not feel themselves called upon to enter into the discussion of these controverted questions. They involve the same grave issues which produced the agitation, the sectional strife, and the fearful struggle of 1850."

And they go on to say :

"Congress deemed it wise and prudent to refrain from deciding the matters in controversy then, either by affirming or repealing the Mexican laws, or by an act declaratory of the true intent of the Constitution and the extent of the protection afforded by it to slave property in

the Territories ; so your committee are not prepared now to recommend a departure from the course pursued on that memorable occasion, either by affirming or repealing the eighth section of the Missouri act, or by any act declaratory of the meaning of the Constitution in respect to the legal points in dispute."

Mr. President, here are very remarkable facts. The Committee on Territories declared that it was not wise, that it was not prudent, that it was not right, to renew the old controversy, and to arouse agitation. They declared that they would abstain from any recommendation of a repeal of the prohibition, or of any provision declaratory of the construction of the Constitution in respect to the legal points in dispute.

Mr. President, I am not one of those who suppose that the question between Mexican law and the slave-holding claims was avoided in the Utah and New Mexico Act ; nor do I think that the introduction into the Nebraska bill of the provisions of those acts in respect to slavery would leave the question between the Missouri prohibition and the same slave-holding claims entirely unaffected.* I am of a very different opinion. But I am dealing now with the report of the Senator from Illinois, as chairman of the committee, and I show, be-

yond all controversy, that that report gave no countenance whatever to the doctrine of repeal by supersedure.

Well, sir, the bill reported by the committee was printed in the *Washington Sentinel* on Saturday, January 7th. It contained twenty sections; no more, no less. It contained no provisions in respect to slavery, except those in the Utah and New Mexico bills.* It left those provisions to speak for themselves. This was in harmony with the report of the committee. On the 10th of January—on Tuesday—the act appeared again in the *Sentinel*; but it had grown longer during the interval. It appeared now with twenty-one sections. There was a statement in the paper that the twenty-first section had been omitted by a clerical error.

But, sir, it is a singular fact that this twenty-first section is entirely out of harmony with the committee's report. It undertakes to determine the effect of the provision in the Utah and New Mexico bills. It declares, among other things, that all questions pertaining to slavery in the Territories, and in the new States to be formed therefrom, are to be left to the decision of the people residing therein, through their appropriate representatives. This provision, in effect,

repealed the Missouri prohibition, which the committee, in their report, declared ought not to be done. Is it possible, sir, that this was a mere clerical error? May it not be that this twenty-first section was the fruit of some *Sunday work*, between Saturday the 7th, and Tuesday the 10th?

But, sir, the addition of this section, it seems, did not help the bill. It did not, I suppose, meet the approbation of Southern gentlemen, who contended that they have a right to take their slaves into the Territories, notwithstanding any prohibition, either by Congress or by a Territorial Legislature. I dare say it was found that the votes of these gentlemen could not be had for the bill with that clause in it. It was not enough that the committee had abandoned their report, and added this twenty-first section, in direct contravention of its reasonings and principles. The twenty-first section itself must be abandoned, and the repeal of the Missouri prohibition placed in a shape which would not deny the slave-holding claim.

The Senator from Kentucky (Mr. Dixon), on the 16th of January, submitted an amendment which came square up to repeal, and to the

claim. That amendment, probably, produced some fluttering and some consultation.' It met the views of Southern Senators, and probably determined the shape which the bill has finally assumed. Of the various mutations which it has undergone, I can hardly be mistaken in attributing the last to the amendment of the Senator from Kentucky. That there is no effect without a cause, is among our earliest lessons in physical philosophy, and I know of no causes which will account for the remarkable changes which the bill underwent after the 16th of January, other than that amendment, and the determination of Southern Senators to support it, and to vote against any provision recognizing the right of any Territorial Legislature to prohibit the introduction of slavery.

It was just seven days, Mr. President, after the Senator from Kentucky had offered his amendment, that a fresh amendment was reported from the Committee on Territories, in the shape of a new bill, enlarged to forty sections. This new bill cuts off from the proposed Territory half a degree of latitude on the south, and divides the residue into two Territories—the southern Territory of Kansas,

and the northern Territory of Nebraska. It applies to each all the provisions of the Utah and New Mexico bills ; it rejects entirely the twenty-first clerical-error section, and abrogates the Missouri prohibition by the very singular provision, which I will read :

“ The Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect within the said Territory of Nebraska as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820, which was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and is therefore declared inoperative.”

Doubtless, Mr. President, this provision operates as a repeal of the prohibition. The Senator from Kentucky was right when he said it was in effect the equivalent of his amendment. Those who are willing to break up and destroy the old compact of 1820 can vote for this bill with full assurance that such will be its effect. But I appeal to them not to vote for this super-se-dure clause. I ask them not to incorporate into the legislation of the country a declaration which every one knows to be wholly untrue.

I have said that this doctrine of supersedure is new. I have now proved that it is a plant of but ten days' growth. It was never seen or heard of until the 23d day of January, 1854. It was upon that day that this tree of Upas was planted; we already see its poison fruits. * * *

The truth is, that the compromise acts of 1850 were not intended to introduce any principles of territorial organization applicable to any other Territory except that covered by them. The professed object of the friends of the compromise acts was to compose the whole slavery agitation. There were various matters of complaint. The non-surrender of fugitives from service was one. The existence of slavery and the slave-trade here in this District and elsewhere, under the exclusive jurisdiction of Congress, was another. The apprehended introduction of slavery into the Territories furnished other grounds of controversy. The slave States complained of the free States, and the free States complained of the slave States. It was supposed by some that this whole agitation might be stayed, and finally put at rest by skilfully adjusted legislation. So, sir, we had the omnibus bill, and its appendages the fugi-

tive-slave bill and the District slave-trade suppression bill. To please the North—to please the free States—California was to be admitted, and the slave depots here in the District were to be broken up. To please the slave States, a stringent fugitive-slave act was to be passed, and slavery was to have a chance to get into the new Territories. The support of the Senators and Representatives from Texas was to be gained by a liberal adjustment of boundary, and by the assumption of a large portion of their State debt. The general result contemplated was a complete and final adjustment of all questions relating to slavery. The acts passed. A number of the friends of the acts signed a compact pledging themselves to support no man for any office who would in any way renew the agitation. The country was required to acquiesce in the settlement as an absolute finality. No man concerned in carrying those measures through Congress, and least of all the distinguished man whose efforts mainly contributed to their success, ever imagined that in the Territorial acts, which formed a part of the series, they were planting the germs of a new agitation. Indeed, I have proved that one of these acts contained an express stipulation

which precludes the revival of the agitation in the form in which it is now thrust upon the country, without manifest disregard of the provisions of those acts themselves.

I have thus proved beyond controversy that the averment of the bill, which my amendment proposes to strike out, is untrue. Senators, will you unite in a statement which you know to be contradicted by the history of the country? Will you incorporate into a public statute an affirmation which is contradicted by every event which attended or followed the adoption of the compromise acts? Will you here, acting under your high responsibility as Senators of the States, assert as a fact, by a solemn vote, that which the personal recollection of every Senator who was here during the discussion of those compromise acts disproves? I will not believe it until I see it. If you wish to break up the time-honored compact embodied in the Missouri compromise, transferred into the joint resolution for the annexation of Texas, preserved and affirmed by these compromise acts themselves,⁹ do it openly—do it boldly. Repeal the Missouri prohibition. Repeal it by a direct vote. Do not repeal it by indirection. Do not “declare” it “inoperative,” “because super-

seded by the principles of the legislation of 1850."

Mr. President, three great eras have marked the history of this country in respect to slavery. The first may be characterized as the Era of ENFRANCHISEMENT. It commenced with the earliest struggles for national independence. The spirit which inspired it animated the hearts and prompted the efforts of Washington, of Jefferson, of Patrick Henry, of Wythe, of Adams, of Jay, of Hamilton, of Morris—in short, of all the great men of our early history. All these hoped for, all these labored for, all these believed in, the final deliverance of the country from the curse of slavery. That spirit burned in the Declaration of Independence, and inspired the provisions of the Constitution, and the Ordinance of 1787. Under its influence, when in full vigor, State after State provided for the emancipation of the slaves within their limits, prior to the adoption of the Constitution. Under its feeblar influence at a later period, and during the administration of Mr. Jefferson, the importation of slaves was prohibited into Mississippi and Louisiana, in the faint hope that these Territories might finally become free States." Gradually that spirit ceased to influence

our public councils, and lost its control over the American heart and the American policy. Another era succeeded, but by such imperceptible gradations that the lines which separate the two cannot be traced with absolute precision. The facts of the two eras meet and mingle as the currents of confluent streams mix so imperceptibly that the observer cannot fix the spot where the meeting waters blend.

This second era was the Era of CONSERVATISM. Its great maxim was to preserve the existing condition. Men said: Let things remain as they are; let slavery stand where it is; exclude it where it is not; refrain from disturbing the public quiet by agitation; adjust all difficulties that arise, not by the application of principles, but by compromises.

It was during this period that the Senator tells us that slavery was maintained in Illinois, both while a Territory and after it became a State, in despite of the provisions of the ordinance. It is true, sir, that the slaves held in the Illinois country, under the French law, were not regarded as absolutely emancipated by the provisions of the ordinance. But full effect was given to the ordinance in excluding the introduction of slaves, and thus the Territory was preserved

from eventually becoming a slave State. The few slave-holders in the Territory of Indiana, which then included Illinois, succeeded in obtaining such an ascendancy in its affairs, that repeated applications were made not merely by conventions of delegates, but by the Territorial Legislature itself, for a suspension of the clause in the ordinance prohibiting slavery. These applications were reported upon by John Randolph, of Virginia, in the House, and by Mr. Franklin in the Senate. Both the reports were against suspension. The grounds stated by Randolph are specially worthy of being considered now. They are thus stated in the report :

“That the committee deem it highly dangerous and inexpedient to impair a provision wisely calculated to promote the happiness and prosperity of the Northwestern country, and to give strength and security to that extensive frontier. In the salutary operation of this sagacious and benevolent restraint, it is believed that the inhabitants of Indiana will, at no very distant day, find ample remuneration for a temporary privation of labor and of emigration.”

Sir, these reports, made in 1803 and 1807, and the action of Congress upon them, in con-

formity with their recommendation, saved Illinois, and perhaps Indiana, from becoming slave States. When the people of Illinois formed their State constitution, they incorporated into it a section providing that neither slavery nor involuntary servitude shall hereafter be introduced into this State. The constitution made provision for the continued service of the few persons who were originally held as slaves, and then bound to service under the Territorial laws, and for the freedom of their children, and thus secured the final extinction of slavery. The Senator thinks that this result is not attributable to the ordinance. I differ from him. But for the ordinance, I have no doubt slavery would have been introduced into Indiana, Illinois, and Ohio. It is something to the credit of the Era of Conservatism, uniting its influences with those of the expiring Era of Enfranchisement, that it maintained the ordinance of 1787 in the Northwest.

The Era of CONSERVATISM passed, also by imperceptible gradations, into the Era of SLAVERY PROPAGANDISM. Under the influences of this new spirit we opened the whole territory acquired from Mexico, except California, to the ingress of slavery. Every foot of

it was covered by a Mexican prohibition; and yet, by the legislation of 1850, we consented to expose it to the introduction of slaves. Some, I believe, have actually been carried into Utah and New Mexico. They may be few, perhaps, but a few are enough to affect materially the probable character of their future governments. Under the evil influences of the same spirit, we are now called upon to reverse the original policy of the Republic; to support even a solemn compact of the conservative period, and open Nebraska to slavery.

Sir, I believe that we are upon the verge of another era. That era will be the Era of REACTION. The introduction of this question here, and its discussion, will greatly hasten its advent. We, who insist upon the denationalization of slavery, and upon the absolute divorce of the General Government from all connection with it, will stand with the men who favored the compromise acts, and who yet wish to adhere to them, in their letter and in their spirit, against the repeal of the Missouri prohibition. But you may pass it here. You may send it to the other House. It may become a law. But its effect will be to satisfy all thinking men that no compromises with slavery will endure,

except so long as they serve the interests of slavery; and that there is no safe and honorable ground for non-slaveholders to stand upon, except that of restricting slavery within State limits, and excluding it absolutely from the whole sphere of Federal jurisdiction. The old questions between political parties are at rest. No great question so thoroughly possesses the public mind as this of slavery. This discussion will hasten the inevitable reorganization of parties upon the new issues which our circumstances suggest. It will light up a fire in the country which may, perhaps, consume those who kindle it. * * *

EDWARD EVERETT,*

OF MASSACHUSETTS.¹

(BORN 1794, DIED 1865.)

**ON THE KANSAS-NEBRASKA BILL ; SENATE OF THE
UNITED STATES, FEBRUARY 8, 1854.²**

I WILL not take up the time of the Senate by going over the somewhat embarrassing and perplexed history of the bill, from its first entry into the Senate until the present time. I will take it as it now stands, as it is printed on our tables, and with the amendment which was offered by the Senator from Illinois (Mr. Douglas) yesterday, and which, I suppose, is now printed, and on our tables ; and I will state, as briefly as I can, the difficulties which I have found in giving my support to this bill, either as it stands, or as it will stand when the amendment shall be adopted. My chief objec-

* For notes on Everett, see Appendix, p. 339.

tions are to the provisions on the subject of slavery, and especially to the exception which is contained in the 14th section, in the following words :

“ Except the 8th section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820, which was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and is hereby declared inoperative.”

On the day before yesterday the chairman of the Committee on Territories proposed to change the words “ superseded by ” to “ inconsistent with,” as expressing more distinctly all that he meant to convey by that impression. Yesterday, however, he brought in an amendment drawn up with great skill and care, on notice given the day before, which is to strike out the words “ which was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and is hereby declared inoperative,” and to insert in lieu of them the following :

“ Which being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of 1850, commonly called the compromise measures, is hereby declared inoperative and void;

it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

* * * * *

Now, sir, I think, in the first place, that the language of this proposed enactment, being obscure, is of somewhat doubtful import, and for that reason, unsatisfactory. I should have preferred a little more directness. What is the condition of an enactment which is declared by a subsequent act of Congress to be "inoperative and void?" Does it remain in force? I take it, not. That would be a contradiction in terms, to say that an enactment which had been declared by act of Congress inoperative and void is still in force. Then, if it is not in force, if it is not only inoperative and void, as it is to be declared, but is not in force, it is of course repealed. If it is to be repealed, why not say so? I think it would have been more direct and more parliamentary to say "shall be and is hereby repealed." Then we should know precisely, so far as legal and technical terms go, what the amount of this new legislative provision is.

If the form is somewhat objectionable, I think the substance is still more so. The amendment is to strike out the words "which was superseded by," and to insert a provision that the act of 1820 is inconsistent with the principle of congressional non-intervention, and is therefore inoperative and void. I do not quite understand how much is conveyed in this language. (The Missouri restriction of 1820, it is said, is inconsistent with the principle of the legislation of 1850. If anything more is meant by "the principle" of the legislation of 1850, than the measures which were adopted at that time in reference to the territories of New Mexico and Utah—for I may assume that those are the legislative measures referred to—if anything more is meant than that a certain measure was adopted, and enacted in reference to those territories, I take issue on that point. I do not know that it could be proved that, even in reference to those territories, a *principle* was enacted at all. A certain measure, or, if you please, a course of measures, was enacted in reference to the Territories of New Mexico and Utah; but I do not know that you can call this enacting a principle. It is certainly not enacting a principle which is to carry with

it a rule for other Territories lying in other parts of the country, and in a different legal position. As to the principle of non-intervention on the part of Congress in the question of slavery, I do not find that, either as principle or as measure, it was enacted in those territorial bills of 1850. I do not, unless I have greatly misread them, find that there is anything at all which comes up to that. Every legislative act of those territorial governments must come before Congress for allowance or disallowance, and under those bills without repealing them, without departing from them in the slightest degree, it would be competent for Congress to-morrow to pass any law on that subject.

How then can it be said that the principle of non-intervention on the part of Congress in the subject of slavery was enacted and established by the compromise measures of 1850? But, whether that be so or not, how can you find, in a simple measure applying in terms to these individual Territories, and to them alone, a rule which is to govern all other Territories with a retrospective and with a prospective action? Is it not a mere begging of the question to say that those compromise measures, adopted in this specific case, amount to such a general rule?

But, let us try it in a parallel case. In the earlier land legislation of the United States, it was customary, without exception, when a Territory became a State, to require that there should be a stipulation in their State constitution that the public lands sold within their borders should be exempted from taxation for five years after the sale. This, I believe, continued to be the uniform practice down to the year 1820, when the State of Missouri was admitted. She was admitted under the stipulation. If I mistake not, the next State which was admitted into the Union—but it is not important whether it was the next or not—came in without that stipulation, and they were left free to tax the public lands the moment when they were sold. Here was a principle ; as much a principle as it is contended was established in the Utah and New Mexico territorial bill ; but did any one suppose that it acted upon the other Territories ? I believe the whole system is now abolished under the operation of general laws, and the influence of that example may have led to the change. But, until it was made by legislation, the mere fact that public lands sold in Arkansas were immediately subject to taxation, could not alter the

law in regard to the public lands sold in Missouri, or in any other State where they were exempt.

There is a case equally analogous to the very matter we are now considering—the prohibition or permission of slavery. The ordinance of 1787 prohibited slavery in the territory northwest of the Ohio. In 1790 Congress passed an act accepting the cession which the State of North Carolina had made of the western part of her territory, with the proviso, that in reference to the territory thus ceded Congress should pass no laws “tending to the emancipation of the slaves.” Here was a precisely parallel case. Here was a territory in which, in 1787, slavery was prohibited. Here was a territory ceded by North Carolina, which became the territory of the United States south of the Ohio, in reference to which it was stipulated with North Carolina, that Congress should pass no laws tending to the emancipation of slaves. But I believe it never occurred to any one that the legislation of 1790 acted back upon the ordinance of 1787, or furnished a rule by which any effect could be produced upon the state of things existing under that ordinance, in the territory to which it applied.

I certainly intend to do the distinguished chairman of the committee no injustice; and I am not sure that I fully comprehend his argument in this respect; but I think his report sustains the view which I now take of the subject: that is, that the legislation of 1850 did not establish a principle which was designed to have any such effect as he intimates. That report states how matters stood in those new Mexican territories. It was alleged on the one hand that by the Mexican *lex loci* slavery was prohibited. On the other hand that was denied, and it was maintained that the Constitution of the United States secures to every citizen the right to go there and take with him any property recognized as such by any of the States of the Union. The report considers that a similar state of things now exists in Nebraska—that the validity of the eighth section of the Missouri Act, by which slavery is prohibited in that Territory, is doubtful, and that it is maintained by many distinguished statesmen that Congress has no power to legislate on the subject. Then, in this state of the controversy, the report maintains that the legislation of Congress in 1850 did not undertake to decide these questions. Surely, if they did not under-

take to decide them, they could not settle the principle which is at stake in them ; and, unless they did decide them, the measures then adopted must be considered as specific measures, relating only to those cases, and not establishing a principle of general operation. This seems to me to be as direct and conclusive as anything can be.

At all events, these are not impressions which are put forth by me under the exigencies of the present debate or of the present occasion. I have never entertained any other opinion. I was called upon for a particular purpose, of a literary nature, to which I will presently allude more distinctly, shortly after the close of the session of 1850, to draw up a narrative of the events that had taken place relative to the passage of the compromise measures of that year. I had not, I own, the best sources of information. I was not a member of Congress, and had not heard the debates, which is almost indispensable to come to a thorough understanding of questions of this nature ; but I inquired of those who had heard them, I read the reports, and I had an opportunity of personal intercourse with some who had taken a prominent part in all those meas-

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ures. I never formed the idea—I never received the intimation until I got it from this report of the committee—that those measures were intended to have any effect beyond the Territories of Utah and New Mexico, for which they were enacted. I cannot but think that if it was intended that they should have any larger application, if it was intended that they should furnish the rule which is now supposed, it would have been a fact as notorious as the light of day.

* * * * *

And now, sir, having alluded to the speech of Mr. Webster, of the 7th March, 1850, allow me to dwell upon it for a moment. I was in a position the next year—having been requested by that great and lamented man to superintend the publication of his works—to know very particularly the comparative estimate which he placed upon his own parliamentary efforts. He told me more than once that he thought his second speech on Foot's resolution was that in which he had best succeeded as a senatorial effort, and as a specimen of parliamentary dialectics; but he added, with an emotion which even he was unable to suppress, "The speech

of the 7th of March, 1850, much as I have been reviled for it, when I am dead, will be allowed to be of the greatest importance to the country." Sir, he took the greatest interest in that speech. He wished it to go forth with a specific title; and, after considerable deliberation, it was called, by his own direction, "A Speech for the Constitution and the Union." He inscribed it to the people of Massachusetts, in a dedication of the most emphatic tenderness, and he prefixed to it that motto—which you all remember—from Livy, the most appropriate and felicitous quotation, perhaps, that was ever made: "True things rather than pleasant things"—*Vera progratis*: and with that he sent it forth to the world.

In that speech his gigantic intellect brought together all that it could gather from the law of nature, from the Constitution of the United States, from our past legislation, and from the physical features of the region, to strengthen him in that plan of conciliation and peace, in which he feared that he might not carry along with him the public sentiment of the whole of that portion of the country which he particularly represented here. At its close, when he dilated upon the disastrous effects of separa-

tion, he rose to a strain of impassioned eloquence which had never been surpassed within these walls. Every topic, every argument, every fact, was brought to bear upon the point ; and he felt that all his vast popularity was at stake on the issue. Let me commend to the attention of Senators, and let me ask them to consider what weight is due to the authority of such a man, speaking under such circumstances, and on such an occasion, when he tells you that the condition of every foot of land in the country, for slavery or non-slavery, is fixed by some irrepealable law. And you are now about to repeal the principal law which ascertained and fixed that condition. And, sir, if the Senate will take any heed of the opinion of one so humble as myself, I will say that I believe Mr. Webster, in that speech, went to the very verge of the public sentiment in the non-slaveholding States, and that to have gone a hair's-breadth further, would have been a step too bold even for his great weight of character.

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I conclude, therefore, sir, that the compromise measures of 1850 ended where they began, with the Territories of Utah and New

Mexico, to which they specifically referred ; at any rate, that they established no principle which was to govern in other cases ; that they had no prospective action to the organization of territories in all future time ; and certainly no retrospective action upon lands subject to the restriction of 1820, and to the positive enactment that you now propose to declare inoperative and void.

I trust that nothing which I have now said will be taken in derogation of the compromises of 1850. I adhere to them ; I stand by them. I do so for many reasons. One is respect for the memory of the great men who were the authors of them—lights and ornaments of the country, but now taken from its service. I would not so soon, if it were in my power, undo their work, if for no other reason. But beside this, I am one of those—I am not ashamed to avow it—who believed at that time, and who still believe, that at that period the union of these States was in great danger, and that the adoption of the compromise measures of 1850 contributed materially to avert that danger ; and therefore, sir, I say, as well out of respect to the memory of the great men who were the authors of them, as to the

healing effect of the measures themselves, I would adhere to them. They are not perfect. I suppose that nobody, either North or South, thinks them perfect. They contain some provisions not satisfactory to the South, and other provisions contrary to the public sentiment of the North; but I believed at the time they were the wisest, the best, the most effective measures which, under the circumstances, could be adopted. But you do not strengthen them, you do not show your respect for them, by giving them an application which they were never intended to bear.

* * * * *

A single word, sir, in respect to this supposed principle of non-intervention on the part of Congress in the subject of slavery in the territories. I confess I am surprised to find this brought forward, and stated with so much confidence, as an established principle of the Government. I know that distinguished gentlemen hold the opinion. The very distinguished Senator from Michigan (Mr. Cass) holds it, and has propounded it; and I pay all due respect and deference to his authority, which I conceive to be very high. But I was not aware

that any such principle was considered a settled principle of the territorial policy of this country. Why, sir, from the first enactment in 1789, down to the bill before us, there is no such principle in our legislation. As far as I can see it would be perfectly competent even now for Congress to pass any law that they pleased on the subject in the Territories under this bill. But however that may be, even by this bill, there is not a law which the Territories can pass, admitting or excluding slavery, which it is not in the power of this Congress to disallow the next day. This is not a mere *brutum fulmen*. It is not an unexpected power. Your statute-book shows case after case. I believe, in reference to a single Territory, that there have been fifteen or twenty cases where territorial legislation has been disallowed by Congress. How, then, can it be said that this principle of non-intervention in the government of the Territories is now to be recognized as an established principle in the public policy of the Congress of the United States?

Do gentlemen recollect the terms, almost of disdain, with which this supposed established principle of our constitutional policy is treated in that last valedictory speech of Mr. Calhoun,

which, unable to pronounce it himself, he was obliged to give to the Senate through the medium of his friend, the Senator from Virginia.' He reminded the Senate that the occupants of a Territory were not even called *the people*—but simply the *inhabitants*—till they were allowed by Congress to call a convention and form a State constitution.

* * * * *

A word more, sir, and I have done. With reference to the great question of slavery—that terrible question—the only one on which the North and South of this great Republic differ irreconcilably—I have not, on this occasion, a word to say. My humble career is drawing near its close,* and I shall end it as I began, with using no other words on that subject than those of moderation, conciliation, and harmony between the two great sections of the country. I blame no one who differs from me in this respect. I allot to others, what I claim for myself, the credit of honesty and purity of motive. But for my own part, the rule of my life, as far as circumstances have enabled me to act up to it, has been, to say nothing that would tend to kindle unkind feeling on this

subject. I have never known men on this, or any other subject, to be convinced by harsh epithets or denunciation.

I believe the union of these States is the greatest possible blessing—that it comprises within itself all other blessings, political, national, and social; and I trust that my eyes may close long before the day shall come—if it ever shall come—when that Union shall be at an end. Sir, I share the opinions and the sentiments of the part of the country where I was born and educated, where my ashes will be laid, and where my children will succeed me. But in relation to my fellow-citizens in other parts of the country, I will treat their constitutional and their legal rights with respect, and their characters and their feelings with tenderness. I believe them to be as good Christians, as good patriots, as good men, as we are, and I claim that we, in our turn, are as good as they."

I rejoiced to hear my friend from Kentucky, (Mr. Dixon), if he will allow me to call him so—I concur most heartily in the sentiment—utter the opinion that a wise and gracious Providence, in his own good time, will find the ways and the channels to remove from the land

what I consider this great evil, but I do not expect that what has been done in three centuries and a half is to be undone in a day or a year, or a few years; and I believe that, in the mean time, the desired end will be retarded rather than promoted by passionate sectional agitation. I believe, further, that the fate of the great and interesting continent in the elder world, Africa, is closely intertwined and wrapped up with the fortunes of her children in all the parts of the earth to which they have been dispersed, and that at some future time, which is already in fact beginning, they will go back to the land of their fathers, the voluntary missionaries of Civilization and Christianity; and finally, sir, I doubt not that in His own good time the Ruler of all will vindicate the most glorious of His prerogatives, "From seeming evil still educing good."

STEPHEN ARNOLD DOUGLAS,*
OF ILLINOIS.¹

(BORN 1813, DIED 1861.)

ON THE KANSAS-NEBRASKA BILL ; SENATE,
MARCH 3, 1854.²

It has been urged in debate that there is no necessity for these Territorial organizations; and I have been called upon to point out any public and national considerations which require action at this time. Senators seem to forget that our immense and valuable possessions on the Pacific are separated from the States and organized Territories on this side of the Rocky Mountains by a vast wilderness, filled by hostile savages—that nearly a hundred thousand emigrants pass through this barbarous wilderness every year, on their way to California and Oregon—that these emigrants are American citizens, our own constituents, who are entitled to the protection of law and government, and that they are left to make their way, as best

* For notes on Douglas, see Appendix, p. 345.

they may, without the protection or aid of law or government. The United States mails for New Mexico and Utah, and official communications between this Government and the authorities of those Territories, are required to be carried over these wild plains, and through the gorges of the mountains, where you have made no provisions for roads, bridges, or ferries to facilitate travel, or forts or other means of safety to protect life. As often as I have brought forward and urged the adoption of measures to remedy these evils, and afford security against the damages to which our people are constantly exposed, they have been promptly voted down as not being of sufficient importance to command the favorable consideration of Congress. Now, when I propose to organize the Territories, and allow the people to do for themselves what you have so often refused to do for them, I am told that there are not white inhabitants enough permanently settled in the country to require and sustain a government. True; there is not a very large population there, for the very reason that your Indian code and intercourse laws exclude the settlers, and forbid their remaining there to cultivate the soil. You refuse to throw the country open to set-

tlers, and then object to the organization of the Territories, upon the ground that there is not a sufficient number of inhabitants. * * *

I will now proceed to the consideration of the great principle involved in the bill, without omitting, however, to notice some of those extraneous matters which have been brought into this discussion with the view of producing another anti-slavery agitation. We have been told by nearly every Senator who has spoken in opposition to this bill, that at the time of its introduction the people were in a state of profound quiet and repose, that the anti-slavery agitation had entirely ceased, and that the whole country was acquiescing cheerfully and cordially in the compromise measures of 1850 as a final adjustment of this vexed question. Sir, it is truly refreshing to hear Senators, who contested every inch of ground in opposition to those measures, when they were under discussion, who predicted all manner of evils and calamities from their adoption, and who raised the cry of appeal, and even resistance, to their execution, after they had become the laws of the land—I say it is really refreshing to hear these same Senators now bear their united testimony to the wisdom of those measures, and

to the patriotic motives which induced us to pass them in defiance of their threats and resistance, and to their beneficial effects in restoring peace, harmony, and fraternity to a distracted country. These are precious confessions from the lips of those who stand pledged never to assent to the propriety of those measures, and to make war upon them, so long as they shall remain upon the statute-book. I well understand that these confessions are now made, not with the view of yielding their assent to the propriety of carrying those enactments into faithful execution, but for the purpose of having a pretext for charging upon me, as the author of this bill, the responsibility of an agitation which they are striving to produce. They say that I, and not they, have revived the agitation. What have I done to render me obnoxious to this charge? They say that I wrote and introduced this Nebraska bill. That is true; but I was not a volunteer in the transaction. The Senate, by a unanimous vote, appointed me chairman of the Territorial Committee, and associated five intelligent and patriotic Senators with me, and thus made it our duty to take charge of all Territorial business. In like manner, and with the concurrence

of these complaining Senators, the Senate referred to us a distinct proposition to organize this Nebraska Territory, and required us to report specifically upon the question. I repeat, then, we were not volunteers in this business. The duty was imposed upon us by the Senate. We were not unmindful of the delicacy and responsibility of the position. We were aware that, from 1820 to 1850, the abolition doctrine of Congressional interference with slavery in the Territories and new States had so far prevailed as to keep up an incessant slavery agitation in Congress, and throughout the country, whenever any new Territory was to be acquired or organized. We were also aware that, in 1850, the right of the people to decide this question for themselves, subject only to the Constitution, was submitted for the doctrine of Congressional intervention. This first question, therefore, which the committee were called upon to decide, and indeed the only question of any material importance in framing this bill, was this: Shall we adhere to and carry out the principle recognized by the compromise measures of 1850, or shall we go back to the old exploded doctrine of Congressional interference, as established in 1820, in a large portion of the country,

and which it was the object of the Wilmot proviso to give a universal application, not only to all the territory which we then possessed, but all which we might hereafter acquire? There are no alternatives. We were compelled to frame the bill upon the one or the other of these two principles. The doctrine of 1820 or the doctrine of 1850 must prevail. In the discharge of the duty imposed upon us by the Senate, the committee could not hesitate upon this point, whether we consulted our own individual opinions and principles, or those which were known to be entertained and boldly avowed by a large majority of the Senate. The two great political parties of the country stood solemnly pledged before the world to adhere to the compromise measures of 1850, "in principle and substance." A large majority of the Senate—indeed, every member of the body, I believe, except the two avowed Abolitionists (Mr. Chase and Mr. Sumner)—profess to belong to one or the other of these parties, and hence were supposed to be under a high moral obligation to carry out "the principle and substance" of those measures in all new Territorial organizations. The report of the committee was in accordance with this obliga-

tion. I am arraigned, therefore, for having endeavored to represent the opinions and principles of the Senate truly—for having performed my duty in conformity with parliamentary law—for having been faithful to the trust imposed in me by the Senate. Let the vote this night determine whether I have thus faithfully represented your opinions. When a majority of the Senate shall have passed the bill—when the majority of the States shall have endorsed it through their representatives upon this floor—when a majority of the South and a majority of the North shall have sanctioned it—when a majority of the Whig party and a majority of the Democratic party shall have voted for it—when each of these propositions shall be demonstrated by the vote this night on the final passage of the bill, I shall be willing to submit the question to the country, whether, as the organ of the committee, I performed my duty in the report and bill which have called down upon my head so much denunciation and abuse.

Mr. President, the opponents of this measure have had much to say about the mutations and modifications which this bill has undergone since it was first introduced by myself, and

about the alleged departure of the bill, in its present form, from the principle laid down in the original report of the committee as a rule of action in all future Territorial organizations. Fortunately there is no necessity, even if your patience would tolerate such a course of argument at this late hour of the night, for me to examine these speeches in detail, and reply to each charge separately. Each speaker seems to have followed faithfully in the footsteps of his leader in the path marked out by the Abolition confederates in their manifesto, which I took occasion to expose on a former occasion.⁴ You have seen them on their winding way, meandering the narrow and crooked path in Indian file, each treading close upon the heels of the other, and neither venturing to take a step to the right or left, or to occupy one inch of ground which did not bear the footprint of the Abolition champion. To answer one, therefore, is to answer the whole. The statement to which they seem to attach the most importance, and which they have repeated oftener, perhaps, than any other, is, that, pending the compromise measures of 1850, no man in or out of Congress ever dreamed of abrogating the Missouri compromise; that from that

period down to the present session nobody supposed that its validity had been impaired, or any thing done which rendered it obligatory upon us to make it inoperative hereafter; that at the time of submitting the report and bill to the Senate, on the fourth of January last, neither I nor any member of the committee ever thought of such a thing; and that we could never be brought to the point of abrogating the eighth section of the Missouri act until after the Senator from Kentucky introduced his amendment to my bill.

Mr. President, before I proceed to expose the many misrepresentations contained in this complicated charge, I must call the attention of the Senate to the false issue which these gentlemen are endeavoring to impose upon the country, for the purpose of diverting public attention from the real issue contained in the bill. They wish to have the people believe that the abrogation of what they call the Missouri compromise was the main object and aim of the bill, and that the only question involved is, whether the prohibition of slavery north of $36^{\circ} 30'$ shall be repealed or not? That which is a mere incident they choose to consider the principle. They make war on the means by

which we propose to accomplish an object, instead of openly resisting the object itself. The principle which we propose to carry into effect by the bill is this: That *Congress shall neither legislate slavery into any Territories or State, nor out of the same; but the people shall be left free to regulate their domestic concerns in their own way, subject only to the Constitution of the United States.*

In order to carry this principle into practical operation, it becomes necessary to remove whatever legal obstacles might be found in the way of its free exercise. It is only for the purpose of carrying out this great fundamental principle of self-government that the bill renders the eighth section of the Missouri act inoperative and void.

Now, let me ask, will these Senators who have arraigned me, or any one of them, have the assurance to rise in his place and declare that this great principle was never thought of or advocated as applicable to Territorial bills, in 1850; * that from that session until the present, nobody ever thought of incorporating this principle in all new Territorial organizations; that the Committee on Territories did not recommend it in their report; and that it required the amend-

ment of the Senator from Kentucky to bring us up to that point? Will any one of my accusers dare to make this issue, and let it be tried by the record? I will begin with the compromises of 1850. Any Senator who will take the trouble to examine our journals, will find that on the 25th of March of that year I reported from the Committee on Territories two bills including the following measures; the admission of California, a Territorial government for New Mexico, and the adjustment of the Texas boundary. These bills proposed to leave the people of Utah and New Mexico free to decide the slavery question for themselves, *in the precise language of the Nebraska bill now under discussion.* A few weeks afterward the committee of thirteen took those two bills and put a wafer between them, and reported them back to the Senate as one bill, with some slight amendments. One of these amendments was, that the Territorial Legislatures should not legislate upon the subject of African slavery. I objected to that provision upon the ground that it subverted the great principle of self-government upon which the bill had been originally framed by the Territorial Committee. On the first trial, the Senate refused to strike

it out, but subsequently did so, after full debate, in order to establish that principle as the rule of action in Territorial organizations. * * * But my accusers attempt to raise up a false issue, and thereby divert public attention from the real one, by the cry that the Missouri compromise is to be repealed or violated by the passage of this bill. Well, if the eighth section of the Missouri act, which attempted to fix the destinies of future generations in those Territories for all time to come, in utter disregard of the rights and wishes of the people when they should be received into the Union as States, be inconsistent with the great principles of self-government and the Constitution of the United States, it ought to be abrogated. The legislation of 1850 abrogated the Missouri compromise, so far as the country embraced within the limits of Utah and New Mexico was covered by the slavery restriction.* It is true, that those acts did not in terms and by name repeal the act of 1820, as originally adopted, or as extended by the resolutions annexing Texas in 1845, any more than the report of the Committee on Territories proposed to repeal the same acts this session. But the acts of 1850 did authorize the people of those Territories to exercise "all right-

ful powers of legislation consistent with the Constitution," not excepting the question of slavery; and did provide that, when those Territories should be admitted into the Union, they should be received with or without slavery as the people thereof might determine at the date of their admission. These provisions were in direct conflict with a clause in the former enactment, declaring that slavery should be forever prohibited in any portion of said Territories, and hence rendered such clause inoperative and void to the extent of such conflict. This was an inevitable consequence, resulting from the provisions in those acts, which gave the people the right to decide the slavery question for themselves, in conformity with the Constitution. It was not necessary to go further and declare that certain previous enactments, which were incompatible with the exercise of the powers conferred in the bills, are hereby repealed. The very act of granting those powers and rights has the legal effect of removing all obstructions to the exercise of them by the people, as prescribed in those Territorial bills. Following that example, the Committee on Territories did not consider it necessary to declare the eighth section of the

Missouri act repealed. We were content to organize Nebraska in the precise language of the Utah and New Mexico bills. Our object was to leave the people entirely free to form and regulate their domestic institutions and internal concerns in their own way, under the Constitution; and we deemed it wise to accomplish that object in the exact terms in which the same thing had been done in Utah and New Mexico by the acts of 1850. This was the principle upon which the committee voted; and our bill was supposed, and is now believed, to have been in accordance with it. When doubts were raised whether the bill did fully carry out the principle laid down in the report, amendments were made from time to time, in order to avoid all misconstruction, and make the true intent of the act more explicit. The last of these amendments was adopted yesterday, on the motion of the distinguished Senator from North Carolina (Mr. Badger), in regard to the revival of any laws or regulations which may have existed prior to 1820.* That amendment was not intended to change the legal effect of the bill. Its object was to repel the slander which had been propagated by the enemies of the measure in the North—

that the Southern supporters of the bill desired to legislate slavery into these Territories. The South denies the right of Congress either to legislate slavery into any Territory or State, or out of any Territory or State. Non-intervention by Congress with slavery in the States or Territories is the doctrine of the bill, and all the amendments which have been agreed to have been made with the view of removing all doubt and cavil as to the true meaning and object of the measure. * * *

Well, sir, what is this Missouri compromise, of which we have heard so much of late? It has been read so often that it is not necessary to occupy the time of the Senate in reading it again. It was an act of Congress, passed on the 6th of March, 1820, to authorize the people of Missouri to form a constitution and a State government, preparatory to the admission of such State into the Union. The first section provided that Missouri should be received into the Union "on an equal footing with the original States in all respects whatsoever." The last and eighth section provided that slavery should be "forever prohibited" in all the territory which had been acquired from France north of 36° 30', and not included

within the limits of the State of Missouri. There is nothing in the terms of the law that purports to be a compact, or indicates that it was any thing more than an ordinary act of legislation. To prove that it was more than it purports to be on its face, gentlemen must produce other evidence, and prove that there was such an understanding as to create a moral obligation in the nature of a compact. Have they shown it?

Now, if this was a compact, let us see how it was entered into. The bill originated in the House of Representatives, and passed that body without a Southern vote in its favor. It is proper to remark, however, that it did not at that time contain the eighth section, prohibiting slavery in the Territories; but in lieu of it, contained a provision prohibiting slavery in the proposed State of Missouri. In the Senate, the clause prohibiting slavery in the State was stricken out, and the eighth section added to the end of the bill, by the terms of which slavery was to be forever prohibited in the territory not embraced in the State of Missouri north of 36° 30'. The vote on adding this section stood in the Senate, 34 in the affirmative, and 10 in the negative. Of the

Northern Senators, 20 voted for it, and 2 against it. On the question of ordering the bill to a third reading as amended, which was the test vote on its passage, the vote stood 24 yeas and 20 nays. Of the Northern Senators, 4 only voted in the affirmative, and 18 in the negative. Thus it will be seen that if it was intended to be a compact, the North never agreed to it. The Northern Senators voted to insert the prohibition of slavery in the Territories; and then, in the proportion of more than four to one, voted against the passage of the bill. The North, therefore, never signed the compact, never consented to it, never agreed to be bound by it. This fact becomes very important in vindicating the character of the North for repudiating this alleged compromise a few months afterward." The act was approved and became a law on the 6th of March, 1820. In the summer of that year, the people of Missouri formed a constitution and State government preparatory to admission into the Union in conformity with the act. At the next session of Congress the Senate passed a joint resolution declaring Missouri to be one of the States of the Union, on an equal footing with the original States. This resolution was

sent to the House of Representatives, where it was rejected by Northern votes, and thus Missouri was voted out of the Union, instead of being received into the Union under the act of the 6th of March, 1820, now known as the Missouri compromise. Now, sir, what becomes of our plighted faith, if the act of the 6th of March, 1820, was a solemn compact, as we are now told? They have all rung the changes upon it, that it was a sacred and irrevocable compact, binding in honor, in conscience, and morals, which could not be violated or repudiated without perfidy and dishonor!" * * * Sir, if this was a compact, what must be thought of those who violated it almost immediately after it was formed? I say it is a calumny upon the North to say that it was a compact. I should feel a flush of shame upon my cheek, as a Northern man, if I were to say that it was a compact, and that the section of the country to which I belong received the consideration, and then repudiated the obligation in eleven months after it was entered into. I deny that it was a compact, in any sense of the term. But if it was, the record proves that faith was not observed—that the contract was never carried into effect—that after the North had procured the passage

of the act prohibiting slavery in the Territories, with a majority in the House large enough to prevent its repeal, Missouri was refused admission into the Union as a slave-holding State, in conformity with the act of March 6, 1820. If the proposition be correct, as contended for by the opponents of this bill—that there was a solemn compact between the North and the South that, in consideration of the prohibition of slavery in the Territories, Missouri was to be admitted into the Union, in conformity with the act of 1820—that compact was repudiated by the North, and rescinded by the joint action of the two parties within twelve months from its date. Missouri was never admitted under the act of the 6th of March, 1820. She was refused admission under that act. She was voted out of the Union by Northern votes, notwithstanding the stipulation that she should be received; and, in consequence of these facts, a new compromise was rendered necessary, by the terms of which Missouri was to be admitted into the Union conditionally—admitted on a condition not embraced in the act of 1820, and, in addition, to a full compliance with all the provisions of said act. If, then, the act of 1820, by the eighth section of which slavery

was prohibited in Missouri, was a compact, it is clear to the comprehension of every fair-minded man that the refusal of the North to admit Missouri, in compliance with its stipulations, and without further conditions, imposes upon us a high, moral obligation to remove the prohibition of slavery in the Territories, since it has been shown to have been procured upon a condition never performed. * * *

Mr. President, I did not wish to refer to these things. I did not understand them fully in all their bearings at the time I made my first speech on this subject; and, so far as I was familiar with them, I made as little reference to them as was consistent with my duty; because it was a mortifying reflection to me, as a Northern man, that we had not been able, in consequence of the abolition excitement at the time, to avoid the appearance of bad faith in the observance of legislation, which has been denominated a compromise. There were a few men then, as there are now, who had the moral courage to perform their duty to the country and the Constitution, regardless of consequences personal to themselves. There were ten Northern men who dared to perform their duty by voting to admit Missouri into the

Union on an equal footing with the original States, and with no other restriction than that imposed by the Constitution. I am aware that they were abused and denounced as we are now—that they were branded as dough-faces—traitors to freedom, and to the section of country whence they came. * * *

I think I have shown that if the act of 1820, called the Missouri compromise, was a compact, it was violated and repudiated by a solemn vote of the House of Representatives in 1821, within eleven months after it was adopted. It was repudiated by the North by a majority vote, and that repudiation was so complete and successful as to compel Missouri to make a new compromise, and she was brought into the Union under the new compromise of 1821, and not under the act of 1820. This reminds me of another point made in nearly all the speeches against this bill, and, if I recollect right, was alluded to in the abolition manifesto ; to which, I regret to say, I had occasion to refer so often. I refer to the significant hint that Mr. Clay was dead before any one dared to bring forward a proposition to undo the greatest work of his hands. The Senator from New York (Mr. Seward) has seized upon this insinuation and

elaborated, perhaps, more fully than his compeers; and now the Abolition press, suddenly, and, as if by miraculous conversion, teems with eulogies upon Mr. Clay and his Missouri compromise of 1820.

Now, Mr. President, does not each of these Senators know that Mr. Clay was not the author of the act of 1820? Do they not know that he disclaimed it in 1850 in this body? Do they not know that the Missouri restriction did not originate in the House, of which he was a member? Do they not know that Mr. Clay never came into the Missouri controversy as a compromiser until after the compromise of 1820 was repudiated, and it became necessary to make another? I dislike to be compelled to repeat what I have conclusively proven, that the compromise which Mr. Clay effected was the act of 1821, under which Missouri came into the Union, and not the act of 1820. Mr. Clay made that compromise after you had repudiated the first one. How, then, dare you call upon the spirit of that great and gallant statesman to sanction your charge of bad faith against the South on this question? * * *

Now, Mr. President, as I have been doing justice to Mr. Clay on this question, perhaps I

may as well do justice to another great man, who was associated with him in carrying through the great measures of 1850, which mortified the Senator from New York so much, because they defeated his purpose of carrying on the agitation. I allude to Mr. Webster. The authority of his great name has been quoted for the purpose of proving that he regarded the Missouri act as a compact, an irrepealable compact. Evidently the distinguished Senator from Massachusetts (Mr. Everett) supposed he was doing Mr. Webster entire justice when he quoted the passage which he read from Mr. Webster's speech of the 7th of March, 1850, when he said that he stood upon the position that every part of the American continent was fixed for freedom or for slavery by irrepealable law." The Senator says that by the expression "irrepealable law," Mr. Webster meant to include the compromise of 1820. Now, I will show that that was not Mr. Webster's meaning—that he was never guilty of the mistake of saying that the Missouri act of 1820 was an irrepealable law. Mr. Webster said in that speech that every foot of territory in the United States was fixed as to its character for freedom or slavery by an irrepealable law. He

then inquired if it was not so in regard to Texas? He went on to prove that it was; because, he said, there was a compact in express terms between Texas and the United States. He said the parties were capable of contracting and that there was a valuable consideration; and hence, he contended, that in that case there was a contract binding in honor and morals and law; and that it was irrepealable without a breach of faith.

He went on to say:

“Now, as to California and New Mexico, I hold slavery to be excluded from these Territories by a law even superior to that which admits and sanctions it in Texas—I mean the law of nature—of physical geography—the law of the formation of the earth.”

That was the irrepealable law which he said prohibited slavery in the Territories of Utah and New Mexico. He went on to speak of the prohibition of slavery in Oregon, and he said it was an “entirely useless and, in that connection, senseless proviso.”

He went further, and said:

“That the whole territory of the States of the United States, or in the newly-acquired territory of the United States, has a fixed and settled character, now fixed and settled by law,

which cannot be repealed in the case of Texas without a violation of public faith, and cannot be repealed by any human power in regard to California or New Mexico; that, *under one or other of these laws*, every foot of territory in the States or in the Territories has now received a fixed and decided character."

What irrepealable laws? "One or the other" of those which he had stated. One was the Texas compact; the other, the law of nature and physical geography; and he contended that one or the other fixed the character of the whole American continent for freedom or for slavery. He never alluded to the Missouri compromise, unless it was by the allusion to the Wilmot proviso in the Oregon bill, and therein said it was a useless and, in that connection, senseless thing. Why was it a useless and senseless thing? Because it was re-enacting the law of God; because slavery had already been prohibited by physical geography. Sir, that was the meaning of Mr. Webster's speech. * * *

Mr. President, I have occupied a good deal of time in exposing the cant of these gentlemen about the sanctity of the Missouri compromise, and the dishonor attached to the violation of plighted faith. I have exposed these

matters in order to show that the object of these men is to withdraw from public attention the real principle involved in the bill. They well know that the abrogation of the Missouri compromise is the incident and not the principle of the bill. They well understand that the report of the committee and the bill propose to establish the principle in all Territorial organizations, that the question of slavery shall be referred to the people to regulate for themselves, and that such legislation should be had as was necessary to remove all legal obstructions to the free exercise of this right by the people. The eighth section of the Missouri act standing in the way of this great principle must be rendered inoperative and void, whether expressly repealed or not, in order to give the people the power of regulating their own domestic institutions in their own way, subject only to the Constitution.

Now, sir, if these gentlemen have entire confidence in the correctness of their own position, why do they not meet the issue boldly and fairly, and controvert the soundness of this great principle of popular sovereignty in obedience to the Constitution? They know full well that this was the principle upon which the colo-

nies separated from the crown of Great Britain, the principle upon which the battles of the Revolution were fought, and the principle upon which our republican system was founded. They cannot be ignorant of the fact that the Revolution grew out of the assertion of the right on the part of the imperial Government to interfere with the internal affairs and domestic concerns of the colonies. * * *

The Declaration of Independence had its origin in the violation of that great fundamental principle which secured to the colonies the right to regulate their own domestic affairs in their own way; and the Revolution resulted in the triumph of that principle, and the recognition of the right asserted by it. Abolitionism proposes to destroy the right and extinguish the principle for which our forefathers waged a seven years' bloody war, and upon which our whole system of free government is founded. They not only deny the application of this principle to the Territories, but insist upon fastening the prohibition upon all the States to be formed out of those Territories. Therefore, the doctrine of the Abolitionists—the doctrine of the opponents of the Nebraska and Kansas bill, and the advocates of the Missouri restric-

tion—demands Congressional interference with slavery not only in the Territories, but in all the new States to be formed therefrom. It is the same doctrine, when applied to the Territories and new States of this Union, which the British Government attempted to enforce by the sword upon the American colonies.¹⁹ It is this fundamental principle of self-government which constitutes the distinguishing feature of the Nebraska bill. The opponents of the principle are consistent in opposing the bill. I do not blame them for their opposition. I only ask them to meet the issue fairly and openly, by acknowledging that they are opposed to the principle which it is the object of the bill to carry into operation. It seems that there is no power on earth, no intellectual power, no mechanical power, that can bring them to a fair discussion of the true issue. If they hope to delude the people and escape detection for any considerable length of time under the catch-words "Missouri compromise" and "faith of compacts," they will find that the people of this country have more penetration and intelligence than they have given them credit for.

Mr. President, there is an important fact connected with this slavery regulation, which should

never be lost sight of. It has always arisen from one and the same cause. Whenever that cause has been removed, the agitation has ceased ; and whenever the cause has been renewed, the agitation has sprung into existence. That cause is, and ever has been, the attempt on the part of Congress to interfere with the question of slavery in the Territories and new States formed therefrom. Is it not wise then to confine our action within the sphere of our legitimate duties, and leave this vexed question to take care of itself in each State and Territory, according to the wishes of the people thereof, in conformity to the forms, and in subjection to the provisions, of the Constitution?

The opponents of the bill tell us that agitation is no part of their policy ; that their great desire is peace and harmony ; and they complain bitterly that I should have disturbed the repose of the country by the introduction of this measure! Let me ask these professed friends of peace, and avowed enemies of agitation, how the issue could have been avoided. They tell me that I should have let the question alone ; that is, that I should have left Nebraska unorganized, the people unprotected, and the Indian barrier in existence, until the

swelling tide of emigration should burst through, and accomplish by violence what it is the part of wisdom and statesmanship to direct and regulate by law." How long could you have postponed action with safety? How long could you maintain that Indian barrier, and restrain the onward march of civilization, Christianity, and free government by a barbarian wall? Do you suppose that you could keep that vast country a howling wilderness in all time to come, roamed over by hostile savages, cutting off all safe communication between our Atlantic and Pacific possessions? I tell you that the time for action has come, and cannot be postponed. It is a case in which the "let-alone" policy would precipitate a crisis which must inevitably result in violence, anarchy, and strife.

You cannot fix bounds to the onward march of this great and growing country. You cannot fetter the limbs of the young giant. He will burst all your chains. He will expand, and grow, and increase, and extend civilization, Christianity, and liberal principles. Then, sir, if you cannot check the growth of the country in that direction, is it not the part of wisdom to look the danger in the face, and provide for an event

which you cannot avoid? I tell you, sir, you must provide for lines of continuous settlement from the Mississippi valley to the Pacific ocean. And in making this provision, you must decide upon what principles the Territories shall be organized ; in other words, whether the people shall be allowed to regulate their domestic institutions in their own way, according to the provisions of this bill, or whether the opposite doctrine of Congressional interference is to prevail. Postpone it, if you will ; but whenever you do act, this question must be met and decided.

The Missouri compromise was interference ; the compromise of 1850 was non-interference, leaving the people to exercise their rights under the Constitution. The Committee on Territories were compelled to act on this subject. I, as their chairman, was bound to meet the question. I chose to take the responsibility regardless of consequences personal to myself. I should have done the same thing last year, if there had been time ; but we know, considering the late period at which the bill then reached us from the House, that there was not sufficient time to consider the question fully, and to prepare a report upon the subject.

I was, therefore, persuaded by my friends to allow the bill to be reported to the Senate, in order that such action might be taken as should be deemed wise and proper. The bill was never taken up for action—the last night of the session having been exhausted in debate on a motion to take up the bill. This session, the measure was introduced by my friend from Iowa (Mr. Dodge), and referred to the Territorial Committee during the first week of the session. We have abundance of time to consider the subject; it is a matter of pressing necessity, and there was no excuse for not meeting it directly and fairly. We were compelled to take our position upon the doctrine either of intervention or non-intervention. We chose the latter for two reasons: first, because we believed that the principle was right; and, second, because it was the principle adopted in 1850, to which the two great political parties of the country were solemnly pledged.

There is another reason why I desire to see this principle recognized as a rule of action in all time to come. It will have the effect to destroy all sectional parties and sectional agitations." If, in the language of the report of the committee, you withdraw the slavery question

from the halls of Congress and the political arena, and commit it to the arbitrament of those who are immediately interested in and alone responsible for its consequences, there is nothing left out of which sectional parties can be organized. It never was done, and never can be done on the bank, tariff, distribution, or any party issue which has existed, or may exist, after this slavery question is withdrawn from politics. On every other political question these have always supporters and opponents in every portion of the Union—in each State, county, village, and neighborhood—residing together in harmony and good fellowship, and combating each other's opinions and correcting each other's errors in a spirit of kindness and friendship. These differences of opinion between neighbors and friends, and the discussions that grow out of them, and the sympathy which each feels with the advocates of his own opinions in every portion of this widespread Republic, add an overwhelming and irresistible moral weight to the strength of the Confederacy. Affection for the Union can never be alienated or diminished by any other party issues than those which are joined upon sectional or geographical lines. When the people of the

North shall all be rallied under one banner, and the whole South marshalled under another banner, and each section excited to frenzy and madness by hostility to the institutions of the other, then the patriot may well tremble for the perpetuity of the Union. Withdraw the slavery question from the political arena, and remove it to the States and Territories, each to decide for itself, such a catastrophe can never happen. Then you will never be able to tell, by any Senator's vote for or against any measure, from what State or section of the Union he comes.

Why, then, can we not withdraw this vexed question from politics? Why can we not adopt the principle of this bill as a rule of action in all new Territorial organizations? Why can we not deprive these agitators of their vocation and render it impossible for Senators to come here upon bargains on the slavery question?" I believe that the peace, the harmony, and perpetuity of the Union require us to go back to the doctrines of the Revolution, to the principles of the Constitution, to the principles of the Compromise of 1850, and leave the people, under the Constitution, to do as they may see proper in respect to their own internal affairs.

Mr. President, I have not brought this question forward as a Northern man or as a Southern man. I am unwilling to recognize such divisions and distinctions. I have brought it forward as an American Senator, representing a State which is true to this principle, and which has approved of my action in respect to the Nebraska bill. I have brought it forward not as an act of justice to the South more than to the North. I have presented it especially as an act of justice to the people of those Territories and of the States to be formed therefrom, now and in all time to come. I have nothing to say about Northern rights or Southern rights. I know of no such divisions or distinctions under the Constitution. The bill does equal and exact justice to the whole Union, and every part of it; it violates the right of no State or Territory; but places each on a perfect equality, and leaves the people thereof to the free enjoyment of all their rights under the Constitution.

Now, sir, I wish to say to our Southern friends that if they desire to see this great principle carried out; now is their time to rally around it, to cherish it, preserve it, make it the rule of action in all future time. If they fail to do it now, and thereby allow the doctrine of

interference to prevail, upon their heads the consequences of that interference must rest. To our Northern friends, on the other hand, I desire to say, that from this day henceforward they must rebuke the slander which has been uttered against the South, that they desire to legislate slavery into the Territories. The South has vindicated her sincerity, her honor, on that point by bringing forward a provision negating, in express terms, any such effect as a result of this bill. I am rejoiced to know that while the proposition to abrogate the eighth section of the Missouri act comes from a free State, the proposition to negative the conclusion that slavery is thereby introduced, comes from a slave-holding State. Thus, both sides furnish conclusive evidence that they go for the principle, and the principle only, and desire to take no advantage of any possible misconception.

Mr. President, I feel that I owe an apology to the Senate for having occupied their attention so long, and a still greater apology for having discussed the question in such an incoherent and desultory manner. But I could not forbear to claim the right of closing this debate. I thought gentlemen would recognize its propri-

ety when they saw the manner in which I was assailed and misrepresented in the course of this discussion, and especially by assaults still more disreputable in some portions of the country. These assaults have had no other effect upon me than to give me courage and energy for a still more resolute discharge of duty. I say frankly that, in my opinion, this measure will be as popular at the North as at the South, when its provisions and principles shall have been fully developed, and become well understood. The people at the North are attached to the principles of self-government, and you cannot convince them that that is self-government which deprives a people of the right of legislating for themselves, and compels them to receive laws which are forced upon them by a Legislature in which they are not represented. We are willing to stand upon this great principle of self-government everywhere; and it is to us a proud reflection that, in this whole discussion, no friend of the bill has urged an argument in its favor which could not be used with the same propriety in a free State as in a slave State, and *vice versa*. No enemy of the bill has used an argument which would bear repetition one mile across Mason

and Dixon's line. Our opponents have dealt entirely in sectional appeals. The friends of the bill have discussed a great principle of universal application, which can be sustained by the same reasons, and the same arguments, in every time and in every corner of the Union."

CHARLES SUMNER,*

OF MASSACHUSETTS.¹

(BORN 1811, DIED 1874.)

ON THE CRIME AGAINST KANSAS ; SENATE,
MAY 19-20, 1856.²

MR. PRESIDENT :

You are now called to redress a great transgression. Seldom in the history of nations has such a question been presented. Tariffs, Army bills, Navy bills, Land bills, are important, and justly occupy your care ; but these all belong to the course of ordinary legislation. As means and instruments only, they are necessarily subordinate to the conservation of government itself. Grant them or deny them, in greater or less degree, and you will inflict no shock. The machinery of government will continue to move. The State will not cease to exist. Far otherwise is it with the eminent question now before you, involving, as it does, Liberty in a broad territory, and also involving the peace of

* For notes on Sumner, see Appendix, p. 354.

the whole country, with our good name in history forever more.

Take down your map, sir, and you will find that the Territory of Kansas, more than any other region, occupies the middle spot of North America, equally distant from the Atlantic on the east, and the Pacific on the west; from the frozen waters of Hudson's Bay on the north, and the tepid Gulf Stream on the south, constituting the precise territorial centre of the whole vast continent. To such advantages of situation, on the very highway between two oceans, are added a soil of unsurpassed richness, and a fascinating, undulating beauty of surface, with a health-giving climate, calculated to nurture a powerful and generous people, worthy to be a central pivot of American institutions. A few short months only have passed since this spacious and mediterranean country was open only to the savage who ran wild in its woods and prairies; and now it has already drawn to its bosom a population of freemen larger than Athens crowded within her historic gates, when her sons, under Miltiades, won liberty for mankind on the field of Marathon; more than Sparta contained when she ruled Greece, and sent forth her devoted children, quickened by a mother's

benediction, to return with their shields, or on them; more than Rome gathered on her seven hills, when, under her kings, she commenced that sovereign sway, which afterward embraced the whole earth; more than London held, when, on the fields of Crecy and Agincourt, the English banner was carried victoriously over the chivalrous hosts of France.

Against this Territory, thus fortunate in position and population, a crime has been committed, which is without example in the records of the past. Not in plundered provinces or in the cruelties of selfish governors will you find its parallel; and yet there is an ancient instance, which may show at least the path of justice. In the terrible impeachment by which the great Roman orator has blasted through all time the name of Verres, amidst charges of robbery and sacrilege, the enormity which most aroused the indignant voice of his accuser, and which still stands forth with strongest distinctness, arresting the sympathetic indignation of all who read the story, is, that away in Sicily he had scourged a citizen of Rome—that the cry, “I am a Roman citizen,” had been interposed in vain against the lash of the tyrant governor. Other charges were, that he had carried away

productions of art, and that he had violated the sacred shrines. It was in the presence of the Roman Senate that this arraignment proceeded; in a temple of the Forum; amidst crowds—such as no orator had ever before drawn together—thronging the porticos and colonnades, even clinging to the house-tops and neighboring slopes—and under the anxious gaze of witnesses summoned from the scene of crime. But an audience grander far—of higher dignity—of more various people, and of wider intelligence—the countless multitude of succeeding generations, in every land, where eloquence has been studied, or where the Roman name has been recognized,—has listened to the accusation, and throbbed with condemnation of the criminal. Sir, speaking in an age of light, and a land of constitutional liberty, where the safeguards of elections are justly placed among the highest triumphs of civilization, I fearlessly assert that the wrongs of much-abused Sicily, thus memorable in history, were small by the side of the wrongs of Kansas, where the very shrines of popular institutions, more sacred than any heathen altar, have been desecrated; where the ballot-box, more precious than any work, in ivory or marble, from the

cunning hand of art, has been plundered ; and where the cry, "I am an American citizen," has been interposed in vain against outrage of every kind, even upon life itself. Are you against sacrilege ? I present it for your execration. Are you against robbery ? I hold it up to your scorn. Are you for the protection of American citizens ? I show you how their dearest rights have been cloven down, while a Tyrannical Usurpation has sought to install itself on their very necks !

But the wickedness which I now begin to expose is immeasurably aggravated by the motive which prompted it. Not in any common lust for power did this uncommon tragedy have its origin. It is the rape of a virgin Territory, compelling it to the hateful embrace of Slavery ; and it may be clearly traced to a depraved longing for a new slave State, the hideous offspring of such a crime, in the hope of adding to the power of slavery in the National Government. Yes, sir, when the whole world, alike Christian and Turk, is rising up to condemn this wrong, and to make it a hissing to the nations, here in our Republic, *force*—ay, sir, **FORCE**—has been openly employed in compelling Kansas to this pollution, and all for the sake

of political power. There is the simple fact, which you will in vain attempt to deny, but which in itself presents an essential wickedness that makes other public crimes seem like public virtues.

But this enormity, vast beyond comparison, swells to dimensions of wickedness which the imagination toils in vain to grasp, when it is understood that for this purpose are hazarded the horrors of intestine feud not only in this distant Territory, but everywhere throughout the country. Already the muster has begun. The strife is no longer local, but national. Even now, while I speak, portents hang on all the arches of the horizon threatening to darken the broad land, which already yawns with the mutterings of civil war. The fury of the propagandists of Slavery, and the calm determination of their opponents, are now diffused from the distant Territory over widespread communities, and the whole country, in all its extent—marshalling hostile divisions, and foreshadowing a strife which, unless happily averted by the triumph of Freedom, will become war—fratricidal, parricidal war—with an accumulated wickedness beyond the wickedness of any war in human annals; justly provoking the avenging

judgment of Providence and the avenging pen of history, and constituting a strife, in the language of the ancient writer, more than *foreign*, more than *social*, more than *civil*; but something compounded of all these strifes, and in itself more than war; *sed potius commune quoddam ex omnibus, et plus quam bellum.*

Such is the crime which you are to judge. But the criminal also must be dragged into day, that you may see and measure the power by which all this wrong is sustained. From no common source could it proceed. In its perpetration was needed a spirit of vaulting ambition which would hesitate at nothing; a hardihood of purpose which was insensible to the judgment of mankind; a madness for Slavery which would disregard the Constitution, the laws, and all the great examples of our history; also a consciousness of power such as comes from the habit of power; a combination of energies found only in a hundred arms directed by a hundred eyes; a control of public opinion through venal pens and a prostituted press; an ability to subsidize crowds in every vocation of life—the politician with his local importance, the lawyer with his subtle tongue, and even the authority of the judge on the bench; and a

familiar use of men in places high and low, so that none, from the President to the lowest border postmaster, should decline to be its tool ; all these things and more were needed, and they were found in the slave power of our Republic. There, sir, stands the criminal, all unmasked before you—heartless, grasping, and tyrannical—with an audacity beyond that of Verres, a subtlety beyond that of Machiavel, a meanness beyond that of Bacon, and an ability beyond that of Hastings. Justice to Kansas can be secured only by the prostration of this influence ; for this the power behind—greater than any President—which succors and sustains the crime. Nay, the proceedings I now arraign derive their fearful consequences only from this connection.

In now opening this great matter, I am not insensible to the austere demands of the occasion ; but the dependence of the crime against Kansas upon the slave power is so peculiar and important, that I trust to be pardoned while I impress it with an illustration, which to some may seem trivial. It is related in Northern mythology that the god of Force, visiting an enchanted region, was challenged by his royal entertainer to what seemed an humble feat of

strength—merely, sir, to lift a cat from the ground. The god smiled at the challenge, and, calmly placing his hand under the belly of the animal, with superhuman strength strove, while the back of the feline monster arched far upward, even beyond reach, and one paw actually forsook the earth, until at last the discomfited divinity desisted ; but he was little surprised at his defeat when he learned that this creature, which seemed to be a cat, and nothing more, was not merely a cat, but that it belonged to and was a part of the great Terrestrial Serpent, which, in its innumerable folds, encircled the whole globe. Even so the creature, whose paws are now fastened upon Kansas, whatever it may seem to be, constitutes in reality a part of the slave power, which, in its loathsome folds, is now coiled about the whole land. Thus do I expose the extent of the present contest, where we encounter not merely local resistance, but also the unconquered sustaining arm behind. But out of the vastness of the crime attempted, with all its woe and shame, I derive a well-founded assurance of a commensurate vastness of effort against it by the aroused masses of the country, determined not only to vindicate Right against Wrong, but to

redeem the Republic from the thralldom of that Oligarchy which prompts, directs, and concentrates the distant wrong.

Such is the crime, and such the criminal, which it is my duty in this debate to expose, and, by the blessing of God, this duty shall be done completely to the end. * * *

But, before entering upon the argument, I must say something of a general character, particularly in response to what has fallen from Senators who have raised themselves to eminence on this floor in championship of human wrongs. I mean the Senator from South Carolina (Mr. Butler), and the Senator from Illinois (Mr. Douglas), who, though unlike as Don Quixote and Sancho Panza, yet, like this couple, sally forth together in the same adventure. I regret much to miss the elder Senator from his seat; but the cause, against which he has run a tilt, with such activity of animosity, demands that the opportunity of exposing him should not be lost; and it is for the cause that I speak. The Senator from South Carolina has read many books of chivalry, and believes himself a chivalrous knight, with sentiments of honor and courage. Of course he has chosen a mistress to whom he has made his vows, and who,

though ugly to others, is always lovely to him ; though polluted in the sight of the world, is chaste in his sight—I mean the harlot, Slavery. For her, his tongue is always profuse in words. Let her be impeached in character, or any proposition made to shut her out from the extension of her wantonness, and no extravagance of manner or hardihood of assertion is then too great for this Senator. The frenzy of Don Quixote, in behalf of his wench, Dulcinea del Toboso, is all surpassed. The asserted rights of Slavery, which shock equality of all kinds, are cloaked by a fantastic claim of equality. If the slave States cannot enjoy what, in mockery of the great fathers of the Republic, he misnames equality under the Constitution—in other words, the full power in the National Territories to compel fellow-men to unpaid toil, to separate husband and wife, and to sell little children at the auction block—then, sir, the chivalric Senator will conduct the State of South Carolina out of the Union! Heroic knight! Exalted Senator! A second Moses come for a second exodus!

But not content with this poor menace, which we have been twice told was “measured,” the Senator in the unrestrained chivalry of his

nature, has undertaken to apply opprobrious words to those who differ from him on this floor. He calls them "sectional and fanatical;" and opposition to the usurpation in Kansas he denounces as "an uncalculating fanaticism." To be sure these charges lack all grace of originality, and all sentiment of truth; but the adventurous Senator does not hesitate. He is the uncompromising, unblushing representative on this floor of a flagrant *sectionalism*, which now domineers over the Republic, and yet with a ludicrous ignorance of his own position—unable to see himself as others see him—or with an effrontery which even his white head ought not to protect from rebuke, he applies to those here who resist his *sectionalism* the very epithet which designates himself. The men who strive to bring back the Government to its original policy, when Freedom and not Slavery was sectional, he arraigns as *sectional*. This will not do. It involves too great a perversion of terms. I tell that Senator that it is to himself, and to the "organization" of which he is the "committed advocate," that this epithet belongs. I now fasten it upon them. For myself, I care little for names; but since the question has been raised here, I affirm that the

Republican party of the Union is in no just sense *sectional*!, but, more than any other party, *national*; and that it now goes forth to dislodge from the high places of the Government the tyrannical sectionalism of which the Senator from South Carolina is one of the maddest zealots. * * *

As the Senator from South Carolina, is the Don Quixote, the Senator from Illinois (Mr. Douglas) is the Squire of Slavery, its very Sancho Panza, ready to do all its humiliating offices. This Senator, in his labored address, vindicating his labored report—piling one mass of elaborate error upon another mass—constrained himself, as you will remember, to unfamiliar decencies of speech. Of that address I have nothing to say at this moment, though before I sit down I shall show something of its fallacies. But I go back now to an earlier occasion, when, true to his native impulses, he threw into this discussion, “for a charm of powerful trouble,” personalities most discreditable to this body. I will not stop to repel the imputations which he cast upon myself; but I mention them to remind you of the “sweltered venom sleeping got,” which, with other poisoned ingredients, he cast into the caldron

of this debate. Of other things I speak. Standing on this floor, the Senator issued his rescript, requiring submission to the Usurped Power of Kansas; and this was accompanied by a manner—all his own—such as befits the tyrannical threat. Very well. Let the Senator try. I tell him now that he cannot enforce any such submission. The Senator, with the slave power at his back, is strong; but he is not strong enough for this purpose. He is bold. He shrinks from nothing. Like Danton, he may cry, "*l'audace ! l'audace ! toujours l'audace !*" but even his audacity cannot compass this work. The Senator copies the British officer who, with boastful swagger, said that with the hilt of his sword he would cram the "stamps" down the throats of the American people, and he will meet a similar failure. He may convulse this country with a civil feud. Like the ancient madman, he may set fire to this Temple of Constitutional Liberty, grander than the Ephesian dome; but he cannot enforce obedience to that Tyrannical Usurpation.

The Senator dreams that he can subdue the North. He disclaims the open threat, but his conduct still implies it. How little that Senator knows himself or the strength of the cause

which he persecutes ! He is but a mortal man ; against him is an immortal principle. With finite power he wrestles with the infinite, and he must fall. Against him are stronger battalions than any marshalled by mortal arm—the inborn, ineradicable, invincible sentiments of the human heart ; against him is nature in all her subtle forces ; against him is God. Let him try to subdue these. * * *

With regret, I come again upon the Senator from South Carolina (Mr. Butler), who, omnipresent in this debate, overflowed with rage at the simple suggestion that Kansas had applied for admission as a State ; and, with incoherent phrases, discharged the loose expectoration of his speech, now upon her representative, and then upon her people.* There was no extravagance of the ancient parliamentary debate, which he did not repeat ; nor was there any possible deviation from truth which he did not make, with so much of passion, I am glad to add, as to save him from the suspicion of intentional aberration. But the Senator touches nothing which he does not disfigure—with error, sometimes of principle, sometimes of fact. He shows an incapacity of accuracy, whether in stating the Constitution, or in stating the law,

whether in the details of statistics or the diversions of scholarship. He cannot open his mouth, but out there flies a blunder. Surely he ought to be familiar with the life of Franklin; and yet he referred to this household character, while acting as agent of our fathers in England, as above suspicion; and this was done that he might give point to a false contrast with the agent of Kansas—not knowing that, however they may differ in genius and fame, in this experience they are alike: that Franklin, when entrusted with the petition of Massachusetts Bay, was assaulted by a foul-mouthed speaker, where he could not be heard in defence, and denounced as a “thief,” even as the agent of Kansas’ has been assaulted on this floor, and denounced as a “forger.” And let not the vanity of the Senator be inspired by the parallel with the British statesman of that day; for it is only in hostility to Freedom that any parallel can be recognized.

But it is against the people of Kansas that the sensibilities of the Senator are particularly aroused. Coming, as he announces, “from a State”—ay, sir, from South Carolina—he turns with lordly disgust from this newly-formed community, which he will not recognize even

as a "body politic." Pray, sir, by what title does he indulge in this egotism? Has he read the history of "the State" which he represents? He cannot surely have forgotten its shameful imbecility from Slavery, confessed throughout the Revolution, followed by its more shameful assumptions for Slavery since. He cannot have forgotten its wretched persistence in the slave-trade as the very apple of its eye, and the condition of its participation in the Union. He cannot have forgotten its constitution, which is Republican only in name, confirming power in the hands of the few, and founding the qualifications of its legislators on "a settled freehold estate and ten negroes." And yet the Senator, to whom that "State" has in part committed the guardianship of its good name, instead of moving, with backward treading steps, to cover its nakedness, rushes forward in the very ecstasy of madness, to expose it by provoking a comparison with Kansas. South Carolina is old; Kansas is young. South Carolina counts by centuries; where Kansas counts by years. But a beneficent example may be born in a day; and I venture to say, that against the two centuries of the older "State," may be already set the two years of trial, evolving correspond-

ing virtue, in the younger community. In the one, is the long wail of Slavery; in the other, the hymns of Freedom. And if we glance at special achievements, it will be difficult to find any thing in the history of South Carolina which presents so much of heroic spirit in an heroic cause as appears in that repulse of the Missouri invaders by the beleaguered town of Lawrence, where even the women gave their effective efforts to Freedom. The matrons of Rome, who poured their jewels into the treasury for the public defence—the wives of Prussia, who, with delicate fingers, clothed their defenders against French invasion—the mothers of our own Revolution, who sent forth their sons, covered with prayers and blessings, to combat for human rights, did nothing of self-sacrifice truer than did these women on this occasion. Were the whole history of South Carolina blotted out of existence, from its very beginning down to the day of the last election of the Senator to his present seat on this floor, civilization might lose—I do not say how little; but surely less than it has already gained by the example of Kansas, in its valiant struggle against oppression, and in the development of a new science of emigration. Already, in Law-

rence alone, there are newspapers and schools, including a High School, and throughout this infant Territory there is more mature scholarship far, in proportion to its inhabitants, than in all South Carolina. Ah, sir, I tell the Senator that Kansas, welcomed as a free State, will be a "ministering angel" to the Republic, when South Carolina, in the cloak of darkness which she hugs, "lies howling."

The Senator from Illinois (Mr. Douglas) naturally joins the Senator from South Carolina in this warfare, and gives to it the superior intensity of his nature. He thinks that the National Government has not completely proved its power, as it has never hanged a traitor; but, if the occasion requires, he hopes there will be no hesitation; and this threat is directed at Kansas, and even at the friends of Kansas throughout the country.* Again occurs the parallel with the struggle of our fathers, and I borrow the language of Patrick Henry, when, to the cry from the Senator, of "treason," "treason," I reply, "if this be treason, make the most of it." Sir, it is easy to call names; but I beg to tell the Senator that if the word "traitor" is in any way applicable to those who refuse submission to a Tyrannical

Usurpation, whether in Kansas or elsewhere, then must some new word, of deeper color, be invented, to designate those mad spirits who could endanger and degrade the Republic, while they betray all the cherished sentiments of the fathers and the spirit of the Constitution, in order to give new spread to Slavery. Let the Senator proceed. It will not be the first time in history, that a scaffold erected for punishment has become a pedestal of honor. Out of death comes life, and the "traitor" whom he blindly executes will live immortal in the cause.

"For Humanity sweeps onward ; where to-day the martyr
stands,
On the morrow crouches Judas, with the silver in his
hands ;
While the hooting mob of yesterday in silent awe return,
To glean up the scattered ashes into History's golden urn."

Among these hostile Senators, there is yet another, with all the prejudices of the Senator from South Carolina, but without his generous impulses, who, on account of his character before the country, and the rancor of his opposition, deserves to be named. I mean the Senator from Virginia (Mr. Mason), who, as the author of the Fugitive-Slave bill, has associated

himself with a special act of inhumanity and tyranny. Of him I shall say little, for he has said little in this debate, though within that little was compressed the bitterness of a life absorbed in the support of Slavery. He holds the commission of Virginia; but he does not represent that early Virginia, so dear to our hearts, which gave to us the pen of Jefferson, by which the equality of men was declared, and the sword of Washington, by which Independence was secured; but he represents that other Virginia, from which Washington and Jefferson now avert their faces, where human beings are bred as cattle for the shambles, and where a dungeon rewards the pious matron who teaches little children to relieve their bondage by reading the Book of Life. It is proper that such a Senator, representing such a State, should rail against free Kansas.

Senators such as these are the natural enemies of Kansas, and I introduce them with reluctance, simply that the country may understand the character of the hostility which must be overcome. Arrayed with them, of course, are all who unite, under any pretext or apology, in the propagandism of human Slavery. To such, indeed, the time-honored safeguards of

popular rights can be a name only, and nothing more. What are trial by jury, habeas corpus, the ballot-box, the right of petition, the liberty of Kansas, your liberty, sir, or mine, to one who lends himself, not merely to the support at home, but to the propagandism abroad, of that preposterous wrong, which denies even the right of a man to himself! Such a cause can be maintained only by a practical subversion of all rights. It is, therefore, merely according to reason that its partisans should uphold the Usurpation in Kansas.

To overthrow this Usurpation is now the special, importunate duty of Congress, admitting of no hesitation or postponement. To this end it must lift itself from the cabals of candidates, the machinations of party, and the low level of vulgar strife. It must turn from that Slave Oligarchy which now controls the Republic, and refuse to be its tool. Let its power be stretched forth toward this distant Territory, not to bind, but to unbind; not for the oppression of the weak, but for the subversion of the tyrannical; not for the prop and maintenance of a revolting Usurpation, but for the confirmation of Liberty.

“These are imperial arts and worthy thee!”

Let it now take its stand between the living and dead, and cause this plague to be stayed. All this it can do; and if the interests of Slavery did not oppose, all this it would do at once, in reverent regard for justice, law, and order, driving away all the alarms of war; nor would it dare to brave the shame and punishment of this great refusal. But the slave power dares any thing; and it can be conquered only by the united masses of the people. From Congress to the People I appeal. * * *"

The contest, which, beginning in Kansas, has reached us, will soon be transferred from Congress to a broader stage, where every citizen will be not only spectator, but actor; and to their judgment I confidently appeal. To the People, now on the eve of exercising the electoral franchise, in choosing a Chief Magistrate of the Republic, I appeal, to vindicate the electoral franchise in Kansas. Let the ballot-box of the Union, with multitudinous might, protect the ballot-box in that Territory. Let the voters everywhere, while rejoicing in their own rights, help to guard the equal rights of distant fellow-citizens; that the shrines of popular institutions, now desecrated, may be sanctified anew; that the ballot-box, now plundered, may

be restored ; and that the cry, "I am an American citizen," may not be sent forth in vain against outrage of every kind. In just regard for free labor in that Territory, which it is sought to blast by unwelcome association with slave labor ; in Christian sympathy with the slave, whom it is proposed to task and sell there ; in stern condemnation of the crime which has been consummated on that beautiful soil ; in rescue of fellow-citizens now subjugated to a Tyrannical Usurpation ; in dutiful respect for the early fathers, whose aspirations are now ignobly thwarted ; in the name of the Constitution, which has been outraged—of the laws trampled down—of Justice banished—of Humanity degraded—of Peace destroyed—of Freedom crushed to earth ; and, in the name of the Heavenly Father, whose service is perfect Freedom, I make this last appeal."

May 20, 1856.

MR. DOUGLAS:—I shall not detain the Senate by a detailed reply to the speech of the Senator from Massachusetts. Indeed, I should not deem it necessary to say one word, but for the personalities in which he has indulged, evincing a depth of malignity that issued from every sentence, making it a matter of self-respect with

me to repel the assaults which have been made.

As to the argument, we have heard it all before. Not a position, not a fact, not an argument has he used, which has not been employed on the same side of the chamber, and replied to by me twice. I shall not follow him, therefore, because it would only be repeating the same answer which I have twice before given to each of his positions. He seems to get up a speech as in Yankee land they get up a bedquilt. They take all the old calico dresses of various colors, that have been in the house from the days of their grandmothers, and invite the young ladies of the neighborhood in the afternoon, and the young men to meet them at a dance in the evening. They cut up these pieces of old dresses and make pretty figures, and boast of what beautiful ornamental work they have made, although there was not a new piece of material in the whole quilt. Thus it is with the speech which we have had rehashed here to-day, in regard to matters of fact, matters of law, and matters of argument—every thing but the personal assaults and the malignity. * * *

His endeavor seems to be an attempt to whistle to keep up his courage by defiant as-

saults upon us all. I am in doubt as to what can be his object. He has not hesitated to charge three fourths of the Senate with fraud, with swindling, with crime, with infamy, at least one hundred times over in his speech. Is it his object to provoke some of us to kick him as we would a dog in the street, that he may get sympathy upon the just chastisement? What is the object of this denunciation against the body of which we are members? A hundred times he has called the Nebraska bill a "swindle," an act of crime, an act of infamy, and each time went on to illustrate the complicity of each man who voted for it in perpetrating the crime. He has brought it home as a personal charge to those who passed the Nebraska bill, that they were guilty of a crime which deserved the just indignation of heaven, and should make them infamous among men.

Who are the Senators thus arraigned? He does me the honor to make me the chief. It was my good luck to have such a position in this body as to enable me to be the author of a great, wise measure, which the Senate has approved, and the country will endorse. That measure was sustained by about three fourths of all the members of the Senate. It was sus-

tained by a majority of the Democrats and a majority of the Whigs in this body. It was sustained by a majority of Senators from the slave-holding States, and a majority of Senators from the free States. The Senator, by his charge of crime, then, stultifies three fourths of the whole body, a majority of the North, nearly the whole South, a majority of Whigs, and a majority of Democrats here. He says they are infamous. If he so believed, who could suppose that he would ever show his face among such a body of men? How dare he approach one of those gentlemen to give him his hand after that act? If he felt the courtesies between men he would not do it. He would deserve to have himself spit in the face for doing so. * * *

The attack of the Senator from Massachusetts now is not on me alone. Even the courteous and the accomplished Senator from South Carolina (Mr. Butler) could not be passed by in his absence.

MR. MASON:—Advantage was taken of it.

MR. DOUGLAS:—It is suggested that advantage is taken of his absence. I think that this is a mistake. I think the speech was written and practised, and the gestures fixed; and, if that

part had been stricken out the Senator would not have known how to repeat the speech. All that tirade of abuse must be brought down on the head of the venerable, the courteous, and the distinguished Senator from South Carolina. I shall not defend that gentleman here. Every Senator who knows him loves him. The Senator from Massachusetts may take every charge made against him in his speech, and may verify by his oath, and by the oath of every one of his confederates, and there is not an honest man in this chamber who will not repel it as a slander. Your oaths cannot make a Senator feel that it was not an outrage to assail that honorable gentleman in the terms in which he has been attacked. He, however, will be here in due time to speak for himself, and to act for himself too. I know what will happen. The Senator from Massachusetts will go to him, whisper a secret apology in his ear, and ask him to accept that as satisfaction for a public outrage on his character! I know the Senator from Massachusetts is in the habit of doing those things. I have had some experience of his skill in that respect. * * *

Why these attacks on individuals by name, and two thirds of the Senate collectively? Is it

the object to drive men here to dissolve social relations with political opponents? Is it to turn the Senate into a bear garden, where Senators cannot associate on terms which ought to prevail between gentlemen? These attacks are heaped upon me by man after man. When I repel them, it is intimated that I show some feeling on the subject. Sir, God grant that when I denounce an act of infamy I shall do it with feeling, and do it under the sudden impulses of feeling, instead of sitting up at night writing out my denunciation of a man whom I hate, copying it, having it printed, punctuating the proof-sheets, and repeating it before the glass, in order to give refinement to insult, which is only pardonable when it is the outburst of a just indignation.

Mr. President, I shall not occupy the time of the Senate. I dislike to be forced to repel these attacks upon myself, which seem to be repeated on every occasion. It appears that gentlemen on the other side of the chamber think they would not be doing justice to their cause if they did not make myself a personal object of bitter denunciation and malignity. I hope that the debate on this bill may be brought to a close at as early a day as possible. I shall do no more

in these side discussions than vindicate myself and repel unjust attacks, but I shall ask the Senate to permit me to close the debate, when it shall close, in a calm, kind summary of the whole question, avoiding personalities.¹⁴

MR. SUMNER :—Mr. President, To the Senator from Illinois, I should willingly leave the privilege of the common scold—the last word ; but I will not leave to him, in any discussion with me, the last argument, or the last semblance of it. He has crowned the audacity of this debate by venturing to rise here and calumniate me. He said that I came here, took an oath to support the Constitution, and yet determined not to support a particular clause in that Constitution. To that statement I give, to his face, the flattest denial. When it was made on a former occasion on this floor by the absent Senator from South Carolina (Mr. Butler), I then repelled it. I will read from the debate of the 28th of June, 1854, as published in the *Globe*, to show what I said in response to that calumny when pressed at that hour. Here is what I said to the Senator from South Carolina :

“This Senator was disturbed, when to his inquiry, personally, pointedly, and vehemently addressed to me, whether I would join in return-

ing a fellow-man to slavery? I exclaimed, 'Is thy servant a dog, that he should do this thing?'"

You will observe that the inquiry of the Senator from South Carolina, was whether I would join in returning a fellow-man to slavery. It was not whether I would support any clause of the Constitution of the United States—far from that. * * *

Sir, this is the Senate of the United States, an important body, under the Constitution, with great powers. Its members are justly supposed, from age, to be above the intemperance of youth, and from character to be above the gusts of vulgarity. They are supposed to have something of wisdom, and something of that candor which is the handmaid of wisdom. Let the Senator bear these things in mind, and let him remember hereafter that the bowie-knife and bludgeon are not the proper emblems of Senatorial debate. Let him remember that the swagger of Bob Acres and the ferocity of the Malay cannot add dignity to this body. The Senator has gone on to infuse into his speech the venom which has been sweltering for months—ay, for years; and he has alleged facts that are entirely without founda-

tion, in order to heap upon me some personal obloquy. I will not go into the details which have flowed out so naturally from his tongue. I only brand them to his face as false. I say, also, to that Senator, and I wish him to bear it in mind, that no person with the upright form of man can be allowed—(Hesitation.)

MR. DOUGLAS:—Say it.

MR. SUMNER:—I will say it—no person with the upright form of man can be allowed, without violation to all decency, to switch out from his tongue the perpetual stench of offensive personality. Sir, that is not a proper weapon of debate, at least, on this floor. The noisome, squat, and nameless animal, to which I now refer, is not a proper model for an American Senator. Will the Senator from Illinois take notice?

MR. DOUGLAS:—I will; and therefore will not imitate you, sir.

MR. SUMNER:—I did not hear the Senator.

MR. DOUGLAS:—I said if that be the case I would certainly never imitate you in that capacity, recognizing the force of the illustration.

MR. SUMNER:—Mr. President, again the Senator has switched his tongue, and again he fills the Senate with its offensive odor. * * *

MR. DOUGLAS:—I am not going to pursue

this subject further. I will only say that a man who has been branded by me in the Senate, and convicted by the Senate of falsehood, cannot use language requiring a reply, and therefore I have nothing more to say."

PRESTON S. BROOKS,*

OF SOUTH CAROLINA.¹

(BORN 1819, DIED 1857.)

ON THE SUMNER ASSAULT ; HOUSE OF REPRESENTA-
TIVES, JULY 14, 1856.

MR. SPEAKER :

Some time since a Senator from Massachusetts allowed himself, in an elaborately prepared speech, to offer a gross insult to my State, and to a venerable friend, who is my State representative, and who was absent at the time.

Not content with that, he published to the world, and circulated extensively, this uncalled-for libel on my State and my blood. Whatever insults my State insults me. Her history and character have commanded my pious veneration ; and in her defence I hope I shall always be prepared, humbly and modestly, to perform the duty of a son. I should have forfeited my own self-respect, and perhaps the good opinion

* For notes on Brooks, see Appendix, p. 362.

of my countrymen, if I had failed to resent such an injury by calling the offender in question to a personal account. It was a personal affair, and in taking redress into my own hands I meant no disrespect to the Senate of the United States or to this House. Nor, sir, did I design insult or disrespect to the State of Massachusetts. I was aware of the personal responsibilities I incurred, and was willing to meet them. I knew, too, that I was amenable to the laws of the country, which afford the same protection to all, whether they be members of Congress or private citizens. I did not, and do not now believe, that I could be properly punished, not only in a court of law, but here also, at the pleasure and discretion of the House. I did not then, and do not now, believe that the spirit of American freemen would tolerate slander in high places, and permit a member of Congress to publish and circulate a libel on another, and then call upon either House to protect him against the personal responsibilities which he had thus incurred.

But if I had committed a breach of privilege, it was the privilege of the Senate, and not of this House, which was violated. I was answerable *there*, and not *here*. They had no right,

as it seems to me, to prosecute me in these Halls, nor have you the right in law or under the Constitution, as I respectfully submit, to take jurisdiction over offences committed against them. The Constitution does not justify them in making such a request, nor this House in granting it. If, unhappily, the day should ever come when sectional or party feeling should run so high as to control all other considerations of public duty or justice, how easy it will be to use such precedents for the excuse of arbitrary power, in either House, to expel members of the minority who may have rendered themselves obnoxious to the prevailing spirit in the House to which they belong.

Matters may go smoothly enough when one House asks the other to punish a member who is offensive to a majority of its own body; but how will it be when, upon a pretence of insulted dignity, *demands* are made of this House to expel a member who happens to run counter to its party predilections, or other demands which it may not be so agreeable to grant? It could never have been designed by the Constitution of the United States to expose the two Houses to such temptations to collision, or to extend so far the discretionary power which was given

to either House to punish its own members for the violation of its rules and orders. Discretion has been said to be the law of the tyrant, and when exercised under the color of the law, and under the influence of party dictation, it may and will become a terrible and insufferable despotism.

This House, however, it would seem, from the unmistakable tendency of its proceedings, takes a different view from that which I deliberately entertain in common with many others.

So far as public interests or constitutional rights are involved, I have now exhausted my means of defence. I may, then, be allowed to take a more personal view of the question at issue. The further prosecution of this subject, in the shape it has now assumed, may not only involve my friends, but the House itself, in agitations which might be unhappy in their consequences to the country. If these consequences could be confined to myself individually, I think I am prepared and ready to meet them, here or elsewhere; and when I use this language I mean what I say. But others must not suffer for me. I have felt more on account of my two friends who have been implicated,

than for myself, for they have proven that "there is a friend that sticketh closer than a brother." I will not constrain gentlemen to assume a responsibility on my account, which possibly they would not run on their own.

Sir, I cannot, on *my own account*, assume the responsibility, in the face of the American people, of commencing a line of conduct which in my heart of hearts I believe would result in subverting the foundations of this Government, and in drenching this Hall in blood. No act of mine, on my personal account, shall inaugurate revolution; but when you, Mr. Speaker, return to your own home, and hear the people of the great North—and they are a great people—speak of me as a bad man, you will do me the justice to say that a blow struck by me at this time would be followed by revolution—and this I know. (Applause and hisses in the gallery.)

Mr. Brooks (resuming):—If I desired to kill the Senator, why did not I do it? You all admit that I had him in my power. Let me tell the member from New Jersey that it was expressly to avoid taking life that I used an ordinary cane, presented to me by a friend in Baltimore, nearly three months before its appli-

cation to the "bare head" of the Massachusetts Senator. I went to work very deliberately, as I am charged—and this is admitted,—and speculated somewhat as to whether I should employ a horsewhip or a cowhide; but knowing that the Senator was my superior in strength, it occurred to me that he might wrest it from my hand, and then—for I never attempt any thing I do not perform—I might have been compelled to do that which I would have regretted the balance of my natural life.

The question has been asked in certain newspapers, why I did not invite the Senator to personal combat in the mode usually adopted. Well, sir, as I desire the whole truth to be known about the matter, I will for once notice a newspaper article on the floor of the House, and answer here.

My answer is, that the Senator would not accept a message; and having formed the unalterable determination to punish him, I believed that the offence of "sending a hostile message," superadded to the indictment for assault and battery, would subject me to legal penalties more severe than would be imposed for a simple assault and battery. That is my answer.

Now, Mr. Speaker, I have nearly finished what I intended to say. If my opponents, who have pursued me with unparalleled bitterness, are satisfied with the present condition of this affair, I am. I return my thanks to my friends, and especially to those who are from non-slave-owning States, who have magnanimously sustained me, and felt that it was a higher honor to themselves to be just in their judgment of a gentleman than to be a member of Congress for life. In taking my leave, I feel that it is proper that I should say that I believe that some of the votes that have been cast against me have been extorted by an outside pressure at home, and that their votes do not express the feelings or opinions of the members who gave them.

To such of these as have given their votes and made their speeches on the constitutional principles involved, and without indulging in personal vilification, I owe my respect. But, sir, they have written me down upon the history of the country as worthy of expulsion, and in no unkindness I must tell them that for all future time my self-respect requires that I shall pass them as strangers.

And now, Mr. Speaker, I announce to you

and to this House, that I am no longer a member of the Thirty-Fourth Congress.

(Mr. Brooks then walked out of the House of Representatives.)

JUDAH P. BENJAMIN,*

OF LOUISIANA.¹

(BORN 1811, DIED 1864.)

ON THE PROPERTY DOCTRINE, OR THE RIGHT OF
PROPERTY IN SLAVES ; SENATE OF THE UNITED
STATES, MARCH 11, 1858.²

MR. PRESIDENT, the whole subject of slavery, so far as it is involved in the issue now before the country, is narrowed down at last to a controversy on the solitary point, whether it be competent for the Congress of the United States, directly or indirectly, to exclude slavery from the Territories of the Union. The Supreme Court of the United States have given a negative answer to this proposition, and it shall be my first effort to support that negation by argument, independently of the authority of the decision.

* For notes on Benjamin, see Appendix, p. 363.
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It seems to me that the radical, fundamental error which underlies the argument in affirmation of this power, is the assumption that slavery is the creature of the statute law of the several States where it is established; that it has no existence outside of the limits of those States; that slaves are not property beyond those limits; and that property in slaves is neither recognized nor protected by the Constitution of the United States, nor by international law. I controvert all these propositions, and shall proceed at once to my argument.

Mr. President, the thirteen colonies, which on the 4th of July, 1776, asserted their independence, were British colonies, governed by British laws. Our ancestors in their emigration to this country brought with them the common law of England as their birthright. They adopted its principles for their government so far as it was not incompatible with the peculiarities of their situation in a rude and unsettled country. Great Britain then having the sovereignty over the colonies, possessed undoubted power to regulate their institutions, to control their commerce, and to give laws to their intercourse, both with the mother and the other nations of the earth. If I can show, as I

hope to be able to establish to the satisfaction of the Senate, that the nation thus exercising sovereign power over these thirteen colonies did establish slavery in them, did maintain and protect the institution, did originate and carry on the slave trade, did support and foster that trade, that it forbade the colonies permission either to emancipate or export their slaves, that it prohibited them from inaugurating any legislation in diminution or discouragement of the institution—nay, sir, more, if, at the date of our Revolution I can show that African slavery existed in England as it did on this continent, if I can show that slaves were sold upon the slave mart, in the Exchange and other public places of resort in the city of London as they were on this continent, then I shall not hazard too much in the assertion that slavery was the common law of the thirteen States of the Confederacy at the time they burst the bonds that united them to the mother country.

* * * * *

This legislation, Mr. President, as I have said before, emanating from the mother country, fixed the institution upon the colonies. They could not resist it. All their right was limited

to petition, to remonstrance, and to attempts at legislation at home to diminish the evil. Every such attempt was sternly repressed by the British Crown. In 1760, South Carolina passed an act prohibiting the further importation of African slaves. The act was rejected by the Crown; the Governor was reprimanded; and a circular was sent to all the Governors of all the colonies, warning them against presuming to countenance such legislation. In 1765, a similar bill was twice read in the Assembly of Jamaica. The news reached Great Britain before its final passage. Instructions were sent out to the royal Governor; he called the House of Assembly before him, communicated his instructions, and forbade any further progress of the bill. In 1774, in spite of this discountenancing action of the mother Government, two bills passed the Legislative Assembly of Jamaica; and the Earl of Dartmouth, then Secretary of State, wrote to Sir Basil Keith, the Governor of the colony, that "these measures had created alarm to the merchants of Great Britain engaged in that branch of commerce;" and forbidding him, "on pain of removal from his Government, to assent to such laws."

Finally, in 1775—mark the date—1775—after

the revolutionary struggle had commenced, whilst the Continental Congress was in session, after armies had been levied, after Crown Point and Ticonderoga had been taken possession of by the insurgent colonists, and after the first blood shed in the Revolution had reddened the spring sod upon the green at Lexington, this same Earl of Dartmouth, in remonstrance from the agent of the colonies, replied :

“ We cannot allow the colonies to check or discourage in any degree a traffic so beneficial to the nation.”

I say, then, that down to the very moment when our independence was won, slavery, by the statute law of England, was the common law of the old thirteen colonies. But, sir, my task does not end here. I desire to show you that by her jurisprudence, that by the decisions of her judges, and the answers of her lawyers to questions from the Crown and from public bodies, this same institution was declared to be recognized by the common law of England ; and slaves were declared to be, in their language, merchandise, chattels, just as much private property as any other merchandise or any other chattel.

A short time prior to the year 1713, a contract had been formed between Spain and a

certain company, called the Royal Guinea Company, that had been established in France. This contract was technically called in those days an *assiento*. By the treaty of Utrecht of the 11th of April, 1713, Great Britain, through her diplomatists, obtained a transfer of that contract. She yielded considerations for it. The obtaining of that contract was greeted in England with shouts of joy. It was considered a triumph of diplomacy. It was followed in the month of May, 1713, by a new contract in form, by which the British Government undertook, for the term of thirty years then next to come, to transport annually 4800 slaves to the Spanish American colonies, at a fixed price. Almost immediately after this new contract, a question arose in the English Council as to what was the true legal character of the slaves thus to be exported to the Spanish American colonies; and, according to the forms of the British constitution, the question was submitted by the Crown in council to the twelve judges of England. I have their answer here; it is in these words:

“ In pursuance of His Majesty’s order in council, hereunto annexed, we do humbly certify our opinion to be that negroes are merchandise.”

Signed by Lord Chief-Justice Holt, Judge Pollexfen, and eight other judges of England.

Mr. Mason. What is the date of that?

Mr. Benjamin. It was immediately after the treaty of Utrecht, in 1713. Very soon afterwards the nascent spirit of fanaticism began to obtain a foothold in England; and although large numbers of negro slaves were owned in Great Britain, and, as I said before, were daily sold on the public exchange in London, questions arose as to the right of the owners to retain property in their slaves; and the merchants of London, alarmed, submitted the question to Sir Philip Yorke, who afterwards became Lord Hardwicke, and to Lord Talbot, who were then the solicitor and attorney-general of the kingdom. The question was propounded to them, "What are the rights of a British owner of a slave in England?" and this is the answer of those two legal functionaries. They certified that "a slave coming from the West Indies to England with or without his master, doth not become free; and his master's property in him is not thereby determined nor varied, and the master may legally compel him to return to the plantations."

And, in 1749, the same question again came up before Sir Philip Yorke, then Lord Chancellor of England, under the title of Lord Hardwicke, and, by a decree in chancery in the case before him, he affirmed the doctrine which he had uttered when he was attorney-general of Great Britain.

Things thus stood in England until the year 1771, when the spirit of fanaticism, to which I have adverted, acquiring strength, finally operated upon Lord Mansfield, who, by a judgment rendered in a case known as the celebrated *Sommersett* case, subverted the common law of England by judicial legislation, as I shall prove in an instant. I say it not on my own authority. I would not be so presumptuous. The Senator from Maine (Mr. Fessenden) need not smile at my statement. I will give him higher authority than anything I can dare assert. I say that in 1771 Lord Mansfield subverted the common law of England in the *Sommersett* case, and decided, not that a slave carried to England from the West Indies by his master thereby became free, but that by the law of England, if the slave resisted the master, there was no remedy by which the master could exercise his control; that the colonial legislation which afforded the master means of

controlling his property had no authority in England, and that England by her laws had provided no substitute for that authority. That was what Lord Mansfield decided. I say this was judicial legislation. I say it subverted the entire previous jurisprudence of Great Britain. I have just adverted to the authorities for that position. Lord Mansfield felt it. The case was argued before him over and over again, and he begged the parties to compromise. They said they would not. "Why," said he, "I have known six of these cases already, and in five out of the six there was a compromise; you had better compromise this matter"; but the parties said no, they would stand on the law; and then, after holding the case up two terms, Lord Mansfield mustered up courage to say just what I have asserted to be his decision; that there was no law in England affording the master control over his slave; and that therefore the master's putting him on board of a vessel in irons, being unsupported by authority derived from English law, and the colonial law not being in force in England, he would discharge the slave from custody on *habeas corpus*, and leave the master to his remedy as best he could find one.

Mr. Fessenden. Decided so unwillingly.

Mr. Benjamin. The gentleman is right—very unwillingly. He was driven to the decision by the paramount power which is now perverting the principles, and obscuring the judgment of the people of the North ; and of which I must say there is no more striking example to be found than its effect on the clear and logical intellect of my friend from Maine.

Mr. President, I make these charges in relation to that judgment, because in them I am supported by an intellect greater than Mansfield's ; by a judge of resplendent genius and consummate learning ; one who, in all questions of international law, on all subjects not dependent upon the peculiar municipal technical common law of England, has won for himself the proudest name in the annals of her jurisprudence—the gentleman knows well that I refer to Lord Stowell. As late as 1827, twenty years after Great Britain had abolished the slave trade, six years before she was brought to the point of confiscating the property of her colonies which she had forced them to buy,⁴ a case was brought before that celebrated judge ; a case known to all lawyers by the name of the slave Grace. It was pretended in the argument that the slave Grace was free, because she had

been carried to England, and it was said, under the authority of Lord Mansfield's decision in the *Sommersett* case, that, having once breathed English air, she was free; that the atmosphere of that favored kingdom was too pure to be breathed by a slave. Lord Stowell, in answering that *legal* argument, said that after painful and laborious research into historical records, he did not find anything touching the peculiar fitness of the English atmosphere for respiration during the ten centuries that slaves had lived in England.

* * * * *

After that decision had been rendered, Lord Stowell, who was at that time in correspondence with Judge Story, sent him a copy of it, and wrote to him upon the subject of his judgment. No man will doubt the anti-slavery feelings and proclivities of Judge Story. He was asked to take the decision into consideration and give his opinion about it. Here is his answer :

"I have read, with great attention, your judgment in the slave case. Upon the fullest consideration which I have been able to give the subject, I entirely concur in your views. If I had been called upon to pronounce a judgment in a like case, I should have certainly arrived at the same result."

That was the opinion of Judge Story in 1827; but, sir, whilst contending, as I here contend, as a proposition, based in history, maintained by legislation, supported by judicial authority of the greatest weight, that slavery, as an institution, was protected by the common law of these colonies at the date of the Declaration of Independence, I go further, though not necessary to my argument, and declare that it was the common law of North and South America alike.

* * * * *

Thus, Mr. President, I say that even if we admit for the moment that the common law of the nations which colonized this continent, the institution of slavery at the time of our independence, was dying away by the manumissions either gratuitous or for a price of those who held the people as slaves, yet, so far as the continent of America was concerned, North and South, there did not breathe a being who did not know that a negro, under the common law of the continent, was merchandise, was property, was a slave, and that he could only extricate himself from that *status*, stamped upon him by the common law of the country, by

positive proof of manumission. No man was bound to show title to his negro slave. The slave was bound to show manumission under which he had acquired his freedom, by the common law of every colony. Why, sir, can any man doubt, is there a gentleman here, even the Senator from Maine, who doubts that if, after the Revolution, the different States of this Union had not passed laws upon the subject to abolish slavery, to subvert this common law of the continent, every one of these States would be slave States yet? How came they free States? Did not they have this institution of slavery imprinted upon them by the power of the mother country? How did they get rid of it? All, all must admit that they had to pass positive acts of legislation to accomplish this purpose. Without that legislation they would still be slave States. What, then, becomes of the pretext that slavery only exists in those States where it was established by positive legislation, that it has no inherent vitality out of those States, and that slaves are not considered as property by the Constitution of the United States?

When the delegates of the several colonies which had thus asserted their independence of

the British Crown met in convention, the decision of Lord Mansfield in the *Sommersett* case was recent, was known to all. At the same time, a number of the northern colonies had taken incipient steps for the emancipation of their slaves. Here permit me to say, sir, that, with a prudent regard to what the Senator from Maine (Mr. Hamlin) yesterday called the "sensitive pocket-nerve," they all made these provisions prospective. Slavery was to be abolished after a certain future time—just enough time to give their citizens convenient opportunity for selling the slaves to southern planters, putting the money in their pockets, and then sending to us here, on this floor, representatives who flaunt in robes of sanctimonious holiness; who make parade of a cheap philanthropy, exercised at our expense; and who say to all men: "Look ye now, how holy, how pure we are; you are polluted by the touch of slavery; we are free from it."

* * * * *

Now, sir, because the Supreme Court of the United States says—what is patent to every man who reads the Constitution of the United States—that it does guaranty property in slaves,

it has been attacked with vituperation here, on this floor, by Senators on all sides. Some have abstained from any indecent, insulting remarks in relation to the Court. Some have confined themselves to calm and legitimate argument. To them I am about to reply. To the others, I shall have something to say a little later. What says the Senator from Maine (Mr. Fessenden)? He says :

“ Had the result of that election been otherwise, and had not the (Democratic) party triumphed on the dogma which they had thus introduced, we should never have heard of a doctrine so utterly at variance with all truth ; so utterly destitute of all legal logic ; so founded on error, and unsupported by anything like argument, as is the opinion of the Supreme Court.”

He says, further :

“ I should like, if I had time, to attempt to demonstrate the fallacy of that opinion. I have examined the view of the Supreme Court of the United States on the question of the power of the Constitution to carry slavery into free territory belonging to the United States, and I tell you that I believe any tolerably respectable lawyer in the United States can show, beyond all question, to any fair and unprejudiced mind, that the decision has nothing to stand upon except assumption, and bad logic from the assumptions made. The main proposition on which that decision is founded, the corner-stone of it, without which it is nothing, without which it fails entirely to

satisfy the mind of any man, is this : that the Constitution of the United States recognizes property in slaves, and protects it as such. I deny it. It neither recognizes slaves as property, nor does it protect slaves as property."

The Senator here, you see, says that the whole decision is based on that assumption, which is false. He says that the Constitution does not recognize slaves as property, nor protect them as property, and his reasoning, a little further on, is somewhat curious. He says :

" On what do they found the assertion that the Constitution recognizes slavery as property ? On the provision of the Constitution by which Congress is prohibited from passing a law to prevent the African slave trade for twenty years ; and therefore they say the Constitution recognizes slaves as property."

I should think that was a pretty fair recognition of it. On this point the gentleman declares :

" Will not anybody see that this constitutional provision, if it works one way, must work the other ? If, by allowing the slave trade for twenty years, we recognize slaves as property, when we say that at the end of twenty years we will cease to allow it, or may cease to do so, is not that denying them to be property after that period elapses ? "

That is the argument. Nothing but my respect for the logical intellect of the Senator from Maine could make me treat this argument as serious, and nothing but having heard it myself would make me believe that he ever uttered it. What, sir! The Constitution of our country says to the South, "you shall count as the basis of your representation five slaves as being three white men; you may be protected in the natural increase of your slaves; nay, more, as a matter of compromise you may increase their number if you choose, for twenty years, by importation; when these twenty years are out, you shall stop." The Supreme Court of the United States says, "well; is not this a recognition of slavery, of property in slaves?" "Oh, no," says the gentleman, "the rule must work both ways; there is a converse to the proposition." Now, sir, to an ordinary, uninstructed intellect, it would seem that the converse of the proposition was simply that at the end of twenty years you should not any longer increase your numbers by importation; but the gentleman says the converse of the proposition is that at the end of the twenty years, after you have, under the guarantee of the Constitution, been adding by importation

to the previous number of your slaves, then all those that you had before, and all those that, under that Constitution, you have imported, cease to be recognized as property by the Constitution, and on this proposition he assails the Supreme Court of the United States—a proposition which he says will occur to anybody.”

Mr. Fessenden. Will the Senator allow me?

Mr. Benjamin. I should be very glad to enter into this debate now, but I fear it is so late that I shall not be able to get through to-day.

Mr. Fessenden. I suppose it is of no consequence.

Mr. Benjamin. What says the Senator from Vermont (Mr. Collamer), who also went into this examination somewhat extensively. I read from his printed speech:

“ I do not say that slaves are never property. I do not say that they are, or are not. Within the limits of a State which declares them to be property, they are property, because they are within the jurisdiction of that government which makes the declaration ; but I should wish to speak of it in the light of a member of the United States Senate, and in the language of the United States Constitution. If this be property in the States, what is the nature and extent of it? I insist that the Supreme Court has often decided, and everybody has understood, that slavery is a local institution, existing by force of

State law ; and of course that law can give it no possible character beyond the limits of that State. I shall no doubt find the idea better expressed in the opinion of Judge Nelson, in this same Dred Scott decision. I prefer to read his language.

* * * * *

" Here is the law ; and under it exists the law of slavery in the different States. By virtue of this very principle it cannot extend one inch beyond its own territorial limits. A State cannot regulate the relation of master and slave, of owner and property, the manner and title of descent, or anything else, one inch beyond its territory. Then you cannot, by virtue of the law of slavery, if it makes slaves property in a State, if you please, move that property out of the State. It ends whenever you pass from that State. You may pass into another State that has a like law ; and if you do, you hold it by virtue of that law ; but the moment you pass beyond the limits of the slaveholding States, all title to the property called property in slaves, there ends. Under such a law slaves cannot be carried as property into the Territories, or anywhere else beyond the States authorizing it. It is not property anywhere else. If the Constitution of the United States gives any other and further character than this to slave property, let us acknowledge it fairly and end all strife about it. If it does not, I ask in all candor, that men on the other side shall say so, and let this point be settled. What is the point we are to inquire into ? It is this : does the Constitution of the United States make slaves property beyond the jurisdiction of the States authorizing slavery ? If it only acknowledges them as property within that jurisdiction, it has not extended the property one inch beyond the State line ; but if, as the Supreme Court seems to say, it does recognize

and protect them as property further than State limits, and more than the State laws do, then, indeed, it becomes like other property. The Supreme Court rests this claim upon this clause of the Constitution: 'No person held to service or labor in one State, under the laws thereof, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due.' Now the question is, does that guaranty it? Does that make it the same as other property? The very fact that this clause makes provision on the subject of persons bound to service, shows that the framers of the Constitution did not regard it as other property. It was a thing that needed some provision; other property did not. The insertion of such a provision shows that it was not regarded as other property. If a man's horse stray from Delaware into Pennsylvania, he can go and get it. Is there any provision in the Constitution for it? No. How came this to be there, if a slave is property? If it is the same as other property, why have any provision about it?''

It will undoubtedly have struck any person, in hearing this passage read from the speech of the Senator from Vermont, whom I regret not to see in his seat to-day, that the whole argument, ingeniously as it is put, rests upon this fallacy—if I may say so with due respect to him—that a man cannot have *title* in property wherever the law does not give him a *remedy* or *process* for the assertion of his title; or, in other words, his whole argument rests upon the old confusion of ideas which

considers a man's right and his remedy to be one and the same thing. I have already shown to you, by the passages I have cited from the opinions of Lord Stowell and of Judge Story, how they regard this subject. They say that the slave who goes to England, or goes to Massachusetts, from a slave State, is still a slave, that he is still his master's property; but that his master has lost control over him, not by reason of the cessation of his *property*, but because those States grant no *remedy* to the master by which he can exercise his control.

There are numerous illustrations upon this point—illustrations furnished by the copy-right laws, illustrations furnished by patent laws. Let us take a case, one that appeals to us all. There lives now a man in England who from time to time sings to the enchanted ear of the civilized world strains of such melody that the charmed senses seem to abandon the grosser regions of earth, and to rise to purer and sereener regions above. God has created that man a poet. His inspiration is his; his songs are his by right divine; they are his property so recognized by human law; yet here in these United States men steal Tennyson's works and sell his property for their profit; and this

because, in spite of the violated conscience of the nation, we refuse to give him protection for his property. Examine your Constitution; are slaves the only species of property there recognized as requiring peculiar protection? Sir, the inventive genius of our brethern of the North is a source of vast wealth to them and vast benefit to the nation. I saw a short time ago in one of the New York journals, that the estimated value of a few of the patents now before us in this Capital for renewal, was \$40,000,000. I cannot believe that the entire capital, invested in inventions of this character in the United States can fall short of one hundred and fifty or two hundred million dollars. On what protection does this vast property rest? Just upon that same constitutional protection which gives a remedy to the slave owner when his property is also found outside of the limits of the State in which he lives.

Without this protection, what would be the condition of the northern inventor? Why, sir, the Vermont inventor protected by his own law would come to Massachusetts, and there say to the pirate who had stolen his property, "Render me up my property or pay me value

for its use." The Senator from Vermont would receive for answer, if he were the counsel of the Vermont inventor, "Sir, if you want protection for your property go to your own State; property is governed by the laws of the State within whose jurisdiction it is found; you have no property in your invention outside of the limits of your State; you cannot go an inch beyond it." Would not this be so? Does not every man see at once that the right of the inventor to his discovery, that the right of the poet to his inspiration, depends upon those principles of eternal justice which God has implanted in the heart of man, and that whenever he cannot exercise them it is because man, faithless to the trust that he has received from God, denies them the protection to which they are entitled?"

Sir, follow out the illustration which the Senator from Vermont himself has given; take his very case of the Delaware owner of a horse riding him across the line into Pennsylvania. The Senator says: "Now, you see that slaves are not property like other property; if slaves were property like other property, why have you this special clause in your Constitution to protect a slave? You have no clause to pro-

tect the horse, because horses are recognized as property everywhere." Mr. President, the same fallacy lurks at the bottom of this argument, as of all the rest. Let Pennsylvania exercise her undoubted jurisdiction over persons and things within her own boundary; let her do as she has a perfect right to do—declare that hereafter, within the State of Pennsylvania, there shall be no property in horses, and that no man shall maintain a suit in her courts for the recovery of property in a horse; and where will your horse-owner be then? Just where the English poet is now; just where the slaveholder and the inventor would be if the Constitution, foreseeing a difference of opinion in relation to rights in these subject-matters, had not provided the remedy in relation to such property as might easily be plundered. Slaves, if you please, are not property like other property in this: that you can easily rob us of them; but as to the *right* in them, that man has to overthrow the whole history of the world, he has to overthrow every treatise on jurisprudence, he has to ignore the common sentiment of mankind, he has to repudiate the authority of all that is considered sacred with man, ere he can reach the conclusion that the

person who owns a slave, in a country where slavery has been established for ages, has no other property in that slave than the mere title which is given by the statute law of the land where it is found. * * * 10

ABRAHAM LINCOLN,*

OF ILLINOIS.¹

(BORN 1809, DIED 1865.)

ON THE DRED SCOTT DECISION, SPRINGFIELD,
ILLINOIS, JUNE 26, 1857.²

AND now as to the Dred Scott decision. That decision declares two propositions—first, that a negro cannot sue in the United States courts; and secondly, that Congress cannot prohibit slavery in the Territories. It was made by a divided court—dividing differently on the different points. Judge Douglas does not discuss the merits of the decision, and in that respect I shall follow his example, believing I could no more improve on McLean and Curtis than he could on Taney.

He denounces all who question the correctness of that decision, as offering violent resist-

* For notes on Lincoln, see Appendix, p. 367.

ance to it. But who resists it? Who has, in spite of the decision, declared Dred Scott free, and resisted the authority of his master over him?

Judicial decisions have two uses,—first, to absolutely determine the case decided; and secondly, to indicate to the public how other similar cases will be decided when they arise. For the latter use they are called “precedents” and “authorities.”

We believe as much as Judge Douglas (perhaps more) in obedience to, and respect for, the judicial department of government. We think its decisions on constitutional questions, when fully settled, should control not only the particular cases decided, but the general policy of the country, subject to be disturbed only by amendments to the Constitution as provided in that instrument itself. More than this would be revolution. But we think the Dred Scott decision is erroneous. We know the court that made it has often overruled its own decisions, and we shall do what we can to have it to overrule this. We offer no resistance to it.

Judicial decisions are of greater or less authority as precedents according to circumstances. That this should be so accords both

with common sense and the customary understanding of the legal profession.

If this important decision had been made by the unanimous concurrence of the judges, and without any apparent partisan bias, and in accordance with legal public expectation and with the steady practice of the departments throughout our history, and had been in no part based on assumed historical facts which are not really true ; or, if wanting in some of these, it had been before the court more than once, and had there been affirmed and reaffirmed through a course of years, it then might be, perhaps would be, factious, nay, even revolutionary, not to acquiesce in it as a precedent.

But when, as is true, we find it wanting in all these claims to the public confidence, it is not factious, it is not even disrespectful, to treat it as not having yet quite established a settled doctrine for the country. But Judge Douglas considers this view awful. Hear him :

“ The courts are the tribunals prescribed by the Constitution and created by the authority of the people to determine, expound, and enforce the law. Hence, whoever resists the final decision of the highest judicial tribunal aims a deadly blow at our whole republican system of government—a blow which, if successful, would place all our rights and liberties at the mercy of passion, anarchy, and violence. I repeat, there-

fore, that if resistance to the decisions of the Supreme Court of the United States, in a matter like the points decided in the Dred Scott case, clearly within their jurisdiction as defined by the Constitution, shall be forced upon the country as a political issue, it will become a distinct and naked issue between the friends and enemies of the Constitution—the friends and the enemies of the supremacy of the laws.”

* * * * *

I have said, in substance, that the Dred Scott decision was in part based on assumed historical facts which were not really true, and I ought not to leave the subject without giving some reasons for saying this; I therefore give an instance or two, which I think fully sustain me. Chief-Justice Taney, in delivering the opinion of the majority of the court, insists at great length that the negroes were no part of the people who made, or for whom was made, the Declaration of Independence, or the Constitution of the United States.

On the contrary, Judge Curtis, in his dissenting opinion, shows that in five of the then thirteen States—to wit, New Hampshire, Massachusetts, New York, New Jersey, and North Carolina—free negroes were voters, and in proportion to their numbers had the same part in making the Constitution that the white people

had. He shows this with so much particularity as to leave no doubt of its truth ; and as a sort of conclusion on that point, holds the following language :

“The Constitution was ordained and established by the people of the United States, through the action in each State, of those persons who were qualified by its laws to act thereon in behalf of themselves and all other citizens of the State. In some of the States, as we have seen, colored persons were among those qualified by law to act on the subject. These colored persons were not only included in the body of ‘the people of the United States’ by whom the Constitution was ordained and established ; but in at least five of the States they had the power to act, and doubtless, did act, by their suffrages, upon the question of its adoption.”

Again, Chief-Justice Taney says :

“It is difficult at this day to realize the state of public opinion, in relation to that unfortunate race which prevailed in the civilized and enlightened portions of the world at the time of the Declaration of Independence, and when the Constitution of the United States was framed and adopted.”

And again, after quoting from the Declaration, he says :

“The general words above quoted would seem to include the whole human family, and if they were used in a similiar instrument at this day, would be so understood.”

In these the Chief-Justice does not directly

assert, but plainly assumes, as a fact, that the public estimate of the black man is more favorable now than it was in the days of the Revolution. This assumption is a mistake. In some trifling particulars the condition of that race has been ameliorated; but as a whole, in this country, the change between then and now is decidedly the other way; and their ultimate destiny has never appeared so hopeless as in the last three or four years. In two of the five States—New Jersey and North Carolina—that then gave the free negro the right of voting, the right has since been taken away, and in the third—New York—it has been greatly abridged; while it has not been extended, so far as I know, to a single additional State, though the number of the States has more than doubled. In those days, as I understand, masters could, at their own pleasure, emancipate their slaves; but since then such legal restraints have been made upon emancipation as to amount almost to prohibition. In those days legislatures held the unquestioned power to abolish slavery in their respective States, but now it is becoming quite fashionable for State constitutions to withhold that power from the legislatures. In

those days, by common consent, the spread of the black man's bondage to the new countries was prohibited, but now Congress decides that it will not continue the prohibition, and the Supreme Court decides that it could not if it would. In those days our Declaration of Independence was held sacred by all, and thought to include all; but now, to aid in making the bondage of the negro universal and eternal, it is assailed and sneered at and construed, and hawked at and torn, till, if its framers could rise from their graves, they could not at all recognize it. All the powers of earth seem rapidly combining against him. Mammon is after him, ambition follows, philosophy follows, and the theology of the day is fast joining the cry. They have him in his prison-house; they have searched his person, and left no prying instrument with him. One after another they have closed the heavy iron doors upon him; and now they have him, as it were, bolted in with a lock of a hundred keys, which can never be unlocked without the concurrence of every key—the keys in the hands of a hundred different men, and they scattered to a hundred different and distant places; and they stand musing as to what in-

vention, in all the dominions of mind and matter, can be produced to make the impossibility of his escape more complete than it is.

It is grossly incorrect to say or assume that the public estimate of the negro is more favorable now than it was at the origin of the government.

Three years and a half ago, Judge Douglas brought forward his famous Nebraska bill. The country was at once in a blaze. He scorned all opposition, and carried it through Congress. Since then he has seen himself superseded in a presidential nomination by one indorsing the general doctrine of his measure, but at the same time standing clear of the odium of its untimely agitation and its gross breach of national faith; and he has seen that successful rival constitutionally elected, not by the strength of friends, but by the division of adversaries, being in a popular minority of nearly four hundred thousand votes. He has seen his chief aids in his own State, Shields and Richardson,⁴ politically speaking, successively tried, convicted, and executed, for an offense not their own, but his. And now he sees his own case standing next on the docket for trial.

There is a natural disgust in the minds of

nearly all white people at the idea of an indiscriminate amalgamation of the white and black races; and Judge Douglas evidently is basing his chief hope upon the chances of his being able to appropriate the benefit of this disgust to himself. If he can, by much drumming and repeating, fasten the odium of that idea upon his adversaries, he thinks he can struggle through the storm. He therefore clings to this hope, as a drowning man to the last plank. He makes an occasion for lugging it in from the opposition to the Dred Scott decision. He finds the Republicans insisting that the Declaration of Independence includes all men, black as well as white, and forthwith he boldly denies that it includes negroes at all, and proceeds to argue gravely that all who contend it does, do so only because they want to vote, and eat, and sleep, and marry with negroes. He will have it that they cannot be consistent else. Now I protest against the counterfeit logic which concludes that, because I do not want a black woman for a slave I must necessarily want her for a wife. I need not have her for either. I can just leave her alone. In some respects she certainly is not my equal; but in her natural right to eat the bread she

earns with her own hands without asking leave of any one else, she is my equal, and the equal of all others.

Chief-Justice Taney, in his opinion in the Dred Scott case, admits that the language of the Declaration is broad enough to include the whole human family, but he and Judge Douglas argue that the authors of that instrument did not intend to include negroes, by the fact that they did not at once actually place them on an equality with the whites. Now this grave argument comes to just nothing at all, by the other fact that they did not at once, or ever afterward, actually place all white people on an equality with one another. And this is the staple argument of both the Chief-Justice and the Senator for doing this obvious violence to the plain, unmistakable language of the Declaration.

I think the authors of that notable instrument intended to include *all* men, but they did not intend to declare all men equal *in all respects*. They did not mean to say all were equal in color, size, intellect, moral developments, or social capacity. They defined with tolerable distinctness in what respects they did consider all men created equal—equal with

“certain inalienable rights, among which are life, liberty, and the pursuit of happiness.” This they said, and this they meant. They did not mean to assert the obvious untruth that all were then actually enjoying that equality, nor yet that they were about to confer it immediately upon them. In fact, they had no power to confer such a boon. They meant simply to declare the right, so that enforcement of it might follow as fast as circumstances should permit.

They meant to set up a standard maxim for free society, which should be familiar to all, and revered by all; constantly looked to, constantly labored for, and even though never perfectly attained, constantly approximated, and thereby constantly spreading and deepening its influence and augmenting the happiness and value of life to all people of all colors everywhere. The assertion that “all men are created equal” was of no practical use in effecting our separation from Great Britain; and it was placed in the Declaration not for that, but for future use. Its authors meant it to be—as, thank God, it is now proving itself—a stumbling-block to all those who in after times might seek to turn a free people back into the hateful

paths of despotism. They knew the proneness of prosperity to breed tyrants, and they meant when such should reappear in this fair land and commence their vocation, they should find left for them at least one hard nut to crack.⁹

I have now briefly expressed my view of the meaning and object of that part of the Declaration of Independence which declares that "all men are created equal."

Now let us hear Judge Douglas's view of the same subject as I find it in the printed report of his late speech. Here it is :

"No man can vindicate the character, motives, and conduct of the signers of the Declaration of Independence, except upon the hypothesis that they referred to the white race alone, and not to the African, when they declared all men to have been created equal ; that they were speaking of British subjects on this continent being equal to British subjects born and residing in Great Britain ; that they were entitled to the same inalienable rights, and among them were enumerated life, liberty, and the pursuit of happiness. The Declaration was adopted for the purpose of justifying the colonists in the eyes of the civilized world in withdrawing their allegiance from the British crown, and dissolving their connection with the mother country."

My good friends, read that carefully over in some leisure hour, and ponder well upon it ; see what a mere wreck—mangled ruin—it makes of our once glorious Declaration.

“ They were speaking of British subjects on this continent being equal to British subjects born and residing in Great Britain.” Why, according to this, not only negroes but white people outside of Great Britain and America were not spoken of in that instrument. The English, Irish, and Scotch, along with white Americans, were included, to be sure, but the French, Germans, and other white people of the world are all gone to pot along with the Judge’s inferior races.

I had thought the Declaration promised something better than the condition of British subjects ; but no, it only meant that we should be equal to them in their own oppressed and unequal condition. According to that, it gave no promise that, having kicked off the king and lords of Great Britain, we should not at once be saddled with a king and lords of our own.

I had thought the Declaration contemplated the progressive improvement in the condition of all men everywhere ; but no, it merely “ was adopted for the purpose of justifying the colonists in the eyes of the civilized world, in withdrawing their allegiance from the British crown, and dissolving their connection with the mother country.” Why, that object having been ef-

fectured some eighty years ago, the Declaration is of no practical use now—mere rubbish—old wadding left to rot on the battle-field after the victory is won.

I understand you are preparing to celebrate the "Fourth," to-morrow week. What for? The doings of that day had no reference to the present; and quite half of you are not even descendants of those who were referred to at that day. But I suppose you will celebrate, and will even go so far as to read the Declaration. Suppose, after you read it once in the old-fashioned way, you read it once more with Judge Douglas's version. It will then run thus: "We hold these truths to be self-evident, that all British subjects who were on this continent eighty-one years ago, were created equal to all British subjects born and then residing in Great Britain."

And now I appeal to all—to Democrats as well as others—are you really willing that the Declaration shall thus be frittered away?—thus left no more, at most, than an interesting memorial of the dead past?—thus shorn of its vitality and practical value, and left without the germ or even the suggestion of the individual rights of man in it?

ABRAHAM LINCOLN,*

OF ILLINOIS.¹

(BORN 1809, DIED 1865.)

ON HIS NOMINATION TO THE UNITED STATES SEN-
ATE, AT THE REPUBLICAN STATE CONVENTION,
SPRINGFIELD, ILLS., JUNE 16, 1858.²

MR. PRESIDENT AND GENTLEMEN OF THE
CONVENTION:

If we could first know where we are, and whither we are tending, we could better judge what to do, and how to do it. We are now far into the fifth year since a policy was initiated with the avowed object, and confident promise, of putting an end to slavery agitation. Under the operation of that policy, that agitation not only has not ceased, but has constantly augmented. In my opinion, it will not cease until a crisis shall have been reached and passed. "A house divided against itself cannot stand." I believe this Government cannot endure permanently half slave and half free. I do not ex-

* For notes on Lincoln, see Appendix, p. 372.

pect the Union to be dissolved ; I do not expect the house to fall ; but I do expect that it will cease to be divided. It will become all one thing, or all the other. Either the opponents of slavery will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction ; or its advocates will push it forward till it shall become alike lawful in all the States, old as well as new, North as well as South.' Have we no tendency to the latter condition ? Let any one who doubts carefully contemplate that now almost complete legal combination-piece of machinery, so to speak—compounded of the Nebraska doctrine and the Dred Scott decision. Let him consider not only what work the machinery is adapted to do, and how well adapted, but also let him study the history of its construction, and trace, if he can, or rather fail, if he can, to trace the evidences of design and concert of action among its chief architects from the beginning.

The new year of 1854 found slavery excluded from more than half the States by State constitutions, and from most of the national territory by Congressional prohibition. Four days later commenced the struggle which ended in

repealing that Congressional prohibition. This opened all the national territory to slavery, and was the first point gained. But, so far, Congress only had acted, and an indorsement, by the people, real or apparent, was indispensable, to save the point already gained and give chance for more. This necessity had not been overlooked, but had been provided for, as well as might be, in the notable argument of "squatter sovereignty," otherwise called "sacred right of self-government";—which latter phrase though expressive of the only rightful basis of any government, was so perverted in this attempted use of it as to amount to just this: That, if any *one* man choose to enslave *another*, no *third* man shall be allowed to object. That argument was incorporated with the Nebraska bill itself, in the language which follows: "It being the true intent and meaning of this act, not to legislate slavery into any Territory or State, nor to exclude it therefrom; but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States." Then opened the roar of loose declamation in favor of "squatter sovereignty," and "sacred right of self-govern-

ment." "But," said opposition members, "let us amend the bill so as to expressly declare that the people of the Territory *may* exclude slavery." "Not we," said the friends of the measure; and down they voted the amendment.⁴

While the Nebraska bill was passing through Congress, a *law-case*, involving the question of a negro's freedom, by reason of his owner having voluntarily taken him first into a free State, and then into a Territory covered by the Congressional prohibition, and held him as a slave for a long time in each, was passing through the United States Circuit Court for the District of Missouri; and both Nebraska bill and lawsuit were brought to a decision in the same month of May, 1854. The negro's name was Dred Scott, which name now designates the decision finally made in the case. Before the then next Presidential election, the law-case came to, and was argued in, the Supreme Court of the United States; but the decision of it was deferred until after the election. Still, before the election, Senator Trumbull, on the floor of the Senate, requested the leading advocate of the Nebraska bill to state his *opinion* whether the people of a Territory can constitutionally exclude slavery

from their limits; and the latter answers: "That is a question for the Supreme Court."

The election came, Mr. Buchanan was elected, and the indorsement, such as it was, secured. That was the second point gained. The indorsement, however, fell short of a clear popular majority by nearly four hundred thousand votes, and so, perhaps, was not overwhelmingly reliable and satisfactory. The outgoing President, in his last annual message, as impressively as possible, echoed back upon the people the weight and authority of the indorsement. The Supreme Court met again, did not announce their decision, but ordered a re-argument. The Presidential inauguration came, and still no decision of the court; but the incoming President, in his inaugural address, fervently exhorted the people to abide by the forthcoming decision, whatever it might be. Then, in a few days, came the decision. The reputed author of the Nebraska bill finds an early occasion to make a speech at this capital, indorsing the Dred Scott decision, and vehemently denouncing all opposition to it. The new President, too, seizes the early occasion of the Silliman letter to indorse and strongly construe that decision, and to express his astonishment that any different view had ever been entertained.

At length a squabble springs up between the President and the author of the Nebraska bill, on the mere question of fact, whether the Lecompton constitution was, or was not, in any just sense, made by the people of Kansas; and in that quarrel the latter declares that all he wants is a fair vote for the people, and that he cares not whether slavery be voted *down* or voted *up*.⁶ I do not understand his declaration, that he cares not whether slavery be voted down or voted up, to be intended by him other than as an apt definition of the policy he would impress upon the public mind—the principle for which he declares he has suffered so much, and is ready to suffer to the end. And well may he cling to that principle. If he has any parental feeling, well may he cling to it. That principle is the only shred left of his original Nebraska doctrine. Under the Dred Scott decision, squatter sovereignty squatted out of existence—tumbled down like temporary scaffolding—like the mould at the foundry, served through one blast, and fell back into loose sand,—helped to carry an election, and then was kicked to the winds. His late joint struggle with the Republicans against the Lecompton constitution involves nothing of the original Nebraska doctrine. That struggle was made

on a point—the right of a people to make their own constitution—upon which he and the Republicans have never differed.

The several points of the Dred Scott decision, in connection with Senator Douglas's "care-not" policy, constitute the piece of machinery in its present state of advancement. This was the third point gained. The working points of that machinery are: (1) That no negro slave, imported as such from Africa, and no descendant of such slave, can ever be a citizen of any State, in the sense of that term as used in the Constitution of the United States. This point is made in order to deprive the negro, in every possible event, of the benefit of that provision of the United States Constitution, which declares that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." (2) That, "subject to the Constitution of the United States," neither Congress nor a Territorial Legislature can exclude slavery from any United States Territory. This point is made in order that individual men may fill up the Territories with slaves, without danger of losing them as property, and thus to enhance the chances of permanency to the institution through all the

future. (3) That whether the holding a negro in actual slavery in a free State makes him free, as against the holder, the United States courts will not decide, but will leave to be decided by the courts of any slave State the negro may be forced into by the master. This point is made, not to be pressed immediately ; but, if acquiesced in for a while, and apparently indorsed by the people at an election, then to sustain the logical conclusion that what Dred Scott's master might lawfully do with Dred Scott, in the State of Illinois, every other master may lawfully do with any other one or one thousand slaves, in Illinois, or in any other free State.

Auxiliary to all this, and working hand in hand with it, the Nebraska doctrine, or what is left of it, is to educate and mould public opinion, at least Northern public opinion, not to care whether slavery is voted down or voted up. This shows exactly where we now are, and partially, also, whither we are tending.

It will throw additional light on the latter to go back, and run the mind over the string of historical facts already stated. Several things will now appear less dark and mysterious than they did when they were transpiring. The people were to be left "perfectly free," "sub-

ject only to the Constitution." What the Constitution had to do with it, outsiders could not then see. Plainly enough now, it was an exactly fitted niche for the Dred Scott decision to come in afterward, and declare the perfect freedom of the people to be just no freedom at all. Why was the amendment expressly declaring the right of the people voted down? Plainly enough now, the adoption of it would have spoiled the niche for the Dred Scott decision. Why was the court decision held up? Why even a Senator's individual opinion withheld till after the Presidential election? Plainly enough now: the speaking out then would have damaged the "perfectly free" argument upon which the election was to be carried. Why the outgoing President's felicitation on the indorsement? Why the delay of a re-argument? Why the incoming President's advance exhortation in favor of the decision? These things look like the cautious patting and petting of a spirited horse preparatory to mounting him, when it is dreaded that he may give the rider a fall. And why the hasty after indorsement of the decision by the President and others?

We cannot absolutely know that all these

exact adaptations are the result of preconcert. But when we see a lot of framed timbers, different portions of which we know have been gotten out at different times and places, and by different workmen—Stephen, Franklin, Roger, and James, for instance,—and when we see these timbers joined together, and see that they exactly make the frame of a house or a mill, all the tenons and mortices exactly fitting, and all the lengths and proportions of the different pieces exactly adapted to their respective places, and not a piece too many or too few—not omitting even scaffolding,—or, if a single piece be lacking, we see the place in the frame exactly fitted and prepared yet to bring such piece in,—in such a case, we find it impossible not to believe that Stephen and Franklin and Roger and James all understood one another from the beginning, and all worked upon a common plan or draft drawn up before the first blow was struck.*

It should not be overlooked that, by the Nebraska bill, the people of a *State*, as well as Territory, were to be left “perfectly free,” “subject only to the Constitution.” Why mention a *State*? They were legislating for Territories, and not for or about States. Cer-

tainly, the people of a State are and ought to be subject to the Constitution of the United States; but why is mention of this lugged into this merely Territorial law? Why are the people of a Territory and the people of a State therein lumped together, and their relation to the Constitution therein treated as being precisely the same? While the opinion of the court, by Chief-Justice Taney, in the Dred Scott case, and the separate opinions of all the concurring judges, expressly declare that the Constitution of the United States permits neither Congress nor a Territorial Legislature to exclude slavery from any United States Territory, they all omit to declare whether or not the same Constitution permits a State, or the people of a State, to exclude it. *Possibly*, this is a mere omission; but who can be quite sure, if McLean or Curtis had sought to get into the opinion a declaration of unlimited power in the people of a State to exclude slavery from their limits, just as Chase and Mace' sought to get such declaration, in behalf of the people of a territory, into the Nebraska bill—I ask, who can be quite sure that it would not have been voted down in the one case as it had been in the other? The nearest approach to the point

of declaring the power of a State over slavery is made by Judge Nelson. He approaches it more than once, using the precise idea, and almost the language, too, of the Nebraska act. On one occasion, his exact language is: "Except in cases when the power is restrained by the Constitution of the United States, the law of the State is supreme over the subjects of slavery within its jurisdiction." In what cases the power of the States is so restrained by the United States Constitution is left an open question, precisely as the same question, as to the restraint on the power of the Territories, was left open in the Nebraska act. Put this and that together, and we have another nice little niche, which we may, ere long, see filled with another Supreme Court decision, declaring that the Constitution of the United States does not permit a *State* to exclude slavery from its limits. And this may especially be expected if the doctrine of "care not whether slavery be voted down or voted up," shall gain upon the public mind sufficiently to give promise that such a decision can be maintained when made.

Such a decision is all that slavery now lacks of being alike lawful in all the States. Welcome or unwelcome, such decision is probably com-

ing, and will soon be upon us, unless the power of the present political dynasty shall be met and overthrown.' We shall lie down pleasantly dreaming that the people of Missouri are on the verge of making their State free, and we shall awake to the reality, instead, that the Supreme Court has made Illinois a slave State. To meet and overthrow that dynasty is the work before all those who would prevent that consummation. That is what we have to do. How can we best do it?

There are those who denounce us openly to their own friends, and yet whisper us softly that Senator Douglas is the aptest instrument there is with which to effect that object. They wish us to *infer* all, from the fact that he now has a little quarrel with the present head of the dynasty; and that he has regularly voted with us on a single point, upon which he and we have never differed.' They remind us that he is a great man, and that the largest of us are very small ones. Let this be granted. "But a living dog is better than a dead lion." Judge Douglas, if not a dead lion, for this work, is at least a caged and toothless one. How can he oppose the advances of slavery? He don't care anything about it. His avowed mission is im-

pressing the "public heart" to care nothing about it. A leading Douglas Democratic newspaper thinks Douglas's superior talent will be needed to resist the revival of the African slave-trade. Does Douglas believe an effort to revive that trade is approaching? He has not said so. Does he really think so? But if it is, how can he resist it? For years he has labored to prove it a sacred right of white men to take negro slaves into the new Territories. Can he possibly show that it is less a sacred right to buy them where they can be bought cheapest? And unquestionably they can be bought cheaper in Africa than in Virginia. He has done all in his power to reduce the whole question of slavery to one of a mere right of property; and as such, how can he oppose the foreign slave-trade? How can he refuse that trade in that "property" shall be "perfectly free," unless he does it as a protection to the home production? And as the home producers will probably ask the protection, he will be wholly without a ground of opposition. Senator Douglas holds, we know, that a man may rightfully be wiser to-day than he was yesterday—that he may rightfully change when he finds himself wrong. But can we, for that

reason, run ahead, and infer that he will make any particular change, of which he himself has given no intimation? Can we safely base our action upon any such vague inference? Now, as ever, I wish not to misrepresent Judge Douglas's position, question his motives, or do aught that can be personally offensive to him. Whenever, if ever, he and we can come together on principle, so that our cause may have assistance from his great ability, I hope to have interposed no adventitious obstacle. But, clearly, he is not now with us—he does not pretend to be, he does not promise ever to be.

Our cause, then, must be entrusted to, and conducted by its own undoubted friends—those whose hands are free, whose hearts are in the work—who *do care* for the result. Two years ago the Republicans of the nation mustered over thirteen hundred thousand strong. We did this under the single impulse of resistance to a common danger. With every external circumstance against us, of strange, discordant, and even hostile elements, we gathered from the four winds, and formed and fought the battle through, under the constant hot fire of a disciplined, proud, and pampered enemy. Did

we brave all then, to falter now?—now, when that same enemy is wavering, dissevered, and belligerent! The result is not doubtful. We shall not fail—if we stand firm, we *shall not fail*. Wise counsels may accelerate, or mistakes delay it; but, sooner or later, the victory is sure to come.¹⁰

STEPHEN ARNOLD DOUGLAS,*

OF ILLINOIS.¹

(BORN 1813, DIED 1861.)

IN REPLY TO MR. LINCOLN ; FREEPORT, ILLS.,
AUGUST 27, 1858.²

LADIES AND GENTLEMEN :

I am glad that at last I have brought Mr. Lincoln to the conclusion that he had better define his position on certain political questions to which I called his attention at Ottawa. * * * In a few moments I will proceed to review the answers which he has given to these interrogatories; but, in order to relieve his anxiety, I will first respond to those which he has presented to me. Mark you, he has not presented interrogatories which have ever received the sanction of the party with which I am acting, and hence he has no other foundation for them than his own curiosity.

First he desires to know, if the people of Kansas shall form a constitution by means en-

*For notes on Douglas, see Appendix, p. 381.

tirely proper and unobjectionable, and ask admission as a State, before they have the requisite population for a member of Congress, whether I will vote for that admission. Well, now, I regret exceedingly that he did not answer that interrogatory himself before he put it to me, in order that we might understand, and not be left to infer, on which side he is. Mr. Trumbull, during the last session of Congress, voted from the beginning to the end against the admission of Oregon, although a free State, because she had not the requisite population for a member of Congress. Mr. Trumbull would not consent, under any circumstances, to let a State, free or slave, come into the Union until it had the requisite population. As Mr. Trumbull is in the field fighting for Mr. Lincoln, I would like to have Mr. Lincoln answer his own question and tell me whether he is fighting Trumbull on that issue or not. But I will answer his question. * * * Either Kansas must come in as a free State, with whatever population she may have, or the rule must be applied to all the other Territories alike. I therefore answer at once that, it having been decided that Kansas has people enough for a slave State, I hold that she has enough for a

free State. I hope Mr. Lincoln is satisfied with my answer; and now I would like to get his answer to his own interrogatory—whether or not he will vote to admit Kansas before she has the requisite population. I want to know whether he will vote to admit Oregon before that Territory has the requisite population. Mr. Trumbull will not, and the same reason that commits Mr. Trumbull against the admission of Oregon commits him against Kansas, even if she should apply for admission as a free State. If there is any sincerity, any truth, in the argument of Mr. Trumbull in the Senate against the admission of Oregon, because she had not 93,420 people, although her population was larger than that of Kansas, he stands pledged against the admission of both Oregon and Kansas until they have 93,420 inhabitants. I would like Mr. Lincoln to answer this question. I would like him to take his own medicine. If he differs with Mr. Trumbull, let him answer his argument against the admission of Oregon, instead of poking questions at me.

The next question propounded to me by Mr. Lincoln is, Can the people of the Territory in any lawful way, against the wishes of any citizen of the United States, exclude slavery from

their limits prior to the formation of a State Constitution? I answer emphatically, as Mr. Lincoln has heard me answer a hundred times from every stump in Illinois, that in my opinion the people of a Territory *can*, by lawful means, exclude slavery from their limits prior to the formation of a State Constitution. Mr. Lincoln knew that I had answered that question over and over again. He heard me argue the Nebraska bill on that principle all over the State in 1854, in 1855, and in 1856; and he has no excuse for pretending to be in doubt as to my position on that question. It matters not what way the Supreme Court may hereafter decide as to the abstract question whether slavery may or may not go into a Territory under the Constitution; the people have the lawful means to introduce it or exclude it as they please, for the reason that slavery cannot exist a day or an hour anywhere unless it is supported by local police regulations. Those police regulations can only be established by the local Legislature; and, if the people are opposed to slavery, they will elect representatives to that body who will by unfriendly legislation effectually prevent the introduction of it into their midst. If, on the contrary, they are for it, their legislation will

favor its extension. Hence, no matter what the decision of the Supreme Court may be on that abstract question, still the right of the people to make a slave Territory or a free Territory is perfect and complete under the Nebraska bill. I hope Mr. Lincoln deems my answer satisfactory on that point.*

In this connection, I will notice the charge which he has introduced in relation to Mr. Chase's amendment. I thought that I had chased that amendment out of Mr. Lincoln's brain at Ottawa; but it seems that it still haunts his imagination, and that he is not yet satisfied. I had supposed that he would be ashamed to press that question further. He is a lawyer, and has been a member of Congress, and has occupied his time and amused you by telling you about parliamentary proceedings. He ought to have known better than to try to palm off his miserable impositions upon this intelligent audience. The Nebraska bill provided that the legislative power and authority of the said Territory should extend to all rightful subjects of legislation, consistent with the organic act and the Constitution of the United States. It did not make any exception as to slavery, but gave all the power that it was possible

for Congress to give, without violating the Constitution, to the Territorial Legislature, with no exception or limitation on the subject of slavery at all. The language of that bill, which I have quoted, gave the full power and the fuller authority over the subject of slavery, affirmatively and negatively, to introduce it or exclude it, so far as the Constitution of the United States would permit. What more could Mr. Chase give by his amendment? Nothing! He offered his amendment for the identical purpose for which Mr. Lincoln is using it, to enable demagogues in the country to try and deceive the people. His amendment was to this effect. It provided that the Legislature should have power to exclude slavery; and General Cass suggested: "Why not give the power to introduce as well as to exclude?" The answer was—they have the power already in the bill to do both. Chase was afraid his amendment would be adopted if he put the alternative proposition, and so made it fair both ways, and would not yield. He offered it for the purpose of having it rejected. He offered it, as he has himself avowed over and over again, simply to make capital out of it for the stump. He expected that it would be capital for small politicians in the coun-

try, and that they would make an effort to deceive the people with it ; and he was not mistaken, for Lincoln is carrying out the plan admirably. * * *

The third question which Mr. Lincoln presented is—If the Supreme Court of the United States shall decide that a State of this Union cannot exclude slavery from its own limits, will I submit to it ? I am amazed that Mr. Lincoln should ask such a question. Mr. Lincoln's object is to cast an imputation upon the Supreme Court. He knows that there never was but one man in America, claiming any degree of intelligence or decency, who ever for a moment pretended such a thing. It is true that the *Washington Union*, in an article published on the 17th of last December, did put forth that doctrine, and I denounced the article on the floor of the Senate. * * * Lincoln's friends, Trumbull, and Seward, and Hale, and Wilson, and the whole Black Republican side of the Senate were silent.* They left it to me to denounce it. And what was the reply made to me on that occasion ? Mr. Toombs, of Georgia, got up and undertook to lecture me on the ground that I ought not to have deemed the article worthy of notice, and ought not to have replied to it ; that there was

not one man, woman, or child south of the Potomac, in any slave State, who did not repudiate any such pretension. Mr. Lincoln knows that reply was made on the spot, and yet now he asks this question! He might as well ask me—Suppose Mr. Lincoln should steal a horse, would I sanction it; and it would be as genteel in me to ask him, in the event he stole a horse, what ought to be done with him. He casts an imputation upon the Supreme Court of the United States, by supposing that they would violate the Constitution of the United States. I tell him that such a thing is not possible. It would be an act of moral treason that no man on the bench could ever descend to. Mr. Lincoln himself would never, in his partisan feelings, so far forget what was right as to be guilty of such an act.*

The fourth question of Mr. Lincoln is—Are you in favor of acquiring additional territory in disregard as to how such acquisition may affect the Union on the slavery question? This question is very ingeniously and cunningly put. The Black Republican crowd lays it down expressly that under no circumstances shall we acquire any more territory unless slavery is first prohibited in the country. I ask Mr. Lincoln

whether he is in favor of that proposition? Are you opposed to the acquisition of any more territory, under any circumstances, unless slavery is prohibited in it? That he does not like to answer. When I ask him whether he stands up to that article in the platform of his party, he turns, Yankee fashion, and, without answering it, asks me whether I am in favor of acquiring territory without regard to how it may affect the Union on the slavery question. I answer that, whenever it becomes necessary, in our growth and progress, to acquire more territory, I *am* in favor of it without reference to the question of slavery, and when we have acquired it, I will leave the people free to do as they please, either to make it slave or free territory, as they prefer. It is idle to tell me or you that we have territory enough. * * * "With our natural increase, growing with a rapidity unknown in any other part of the globe, with the tide of emigration that is fleeing from despotism in the old world to seek refuge in our own, there is a constant torrent pouring into this country that requires more land, more territory upon which to settle; and just as fast as our interest and our destiny require additional territory in the North, in the South, or in the

islands of the ocean, I am for it, and, when we acquire it, will leave the people, according to the Nebraska bill, free to do as they please on the subject of slavery and every other question.

I trust now that Mr. Lincoln will deem himself answered on his four points. He racked his brain so much in devising these four questions that he exhausted himself, and had not strength enough to invent the others. As soon as he is able to hold a council with his advisers, Lovejoy, Farnsworth, and Fred Douglas, he will frame and propound others ("Good," "good!"). You Black Republicans who say "good," I have no doubt, think that they are all good men. I have reason to recollect that some people in this country think that Fred Douglas is a very good man. The last time I came here to make a speech, while talking from a stand to you, people of Freeport, as I am doing to-day, I saw a carriage, and a magnificent one it was, drive up and take a position on the outside of the crowd; a beautiful young lady was sitting on the box seat, whilst Fred Douglas and her mother reclined inside, and the owner of the carriage acted as driver. I saw this in your own town. ("What of it?") All I have to say of it is this, that if you Black Republicans

think that the negro ought to be on a social equality with your wives and daughters, and ride in a carriage with your wife, whilst you drive the team, you have a perfect right to do so. I am told that one of Fred Douglas' kinsmen, another rich black negro, is now travelling in this part of the State making speeches for his friend Lincoln as the champion of black men. ("What have you to say against it?") All I have to say on that subject is, that those of you who believe that the negro is your equal, and ought to be on an equality with you socially, politically, and legally, have a right to entertain those opinions, and of course will vote for Mr. Lincoln.

WM. H. SEWARD,*

OF NEW YORK.

(BORN 1801, DIED 1872.)

ON THE IRREPRESSIBLE CONFLICT; ROCHESTER,
OCTOBER 25, 1858.¹

THE unmistakable outbreaks of zeal which occur all around me, show that you are earnest men—and such a man am I. Let us therefore, at least for a time, pass all secondary and collateral questions, whether of a personal or of a general nature, and consider the main subject of the present canvass. The Democratic party, or, to speak more accurately, the party which wears that attractive name—is in possession of the Federal Government. The Republicans propose to dislodge that party, and dismiss it from its high trust.

The main subject, then, is, whether the Democratic party deserves to retain the confidence of the American people. In attempting to prove it unworthy, I think that I am not actu-

* For notes on Seward, see Appendix, p. 389.

ated by prejudices against that party, or by prepossessions in favor of its adversary; for I have learned, by some experience, that virtue and patriotism, vice and selfishness, are found in all parties, and that they differ less in their motives than in the policies they pursue.

Our country is a theatre, which exhibits, in full operation, two radically different political systems; the one resting on the basis of servile or slave labor, the other on voluntary labor of freemen. The laborers who are enslaved are all negroes, or persons more or less purely of African derivation. But this is only accidental. The principle of the system is, that labor in every society, by whomsoever performed, is necessarily unintellectual, grovelling and base; and that the laborer, equally for his own good and for the welfare of the State, ought to be enslaved. The white laboring man, whether native or foreigner, is not enslaved, only because he cannot, as yet, be reduced to bondage.

You need not be told now that the slave system is the older of the two, and that once it was universal. The emancipation of our own ancestors, Caucasians and Europeans as they were, hardly dates beyond a period of five hundred years. The great melioration of human society

which modern times exhibit, is mainly due to the incomplete substitution of the system of voluntary labor for the one of servile labor, which has already taken place. This African slave system is one which, in its origin and in its growth, has been altogether foreign from the habits of the races which colonized these States, and established civilization here. It was introduced on this continent as an engine of conquest, and for the establishment of monarchical power, by the Portuguese and the Spaniards, and was rapidly extended by them all over South America, Central America, Louisiana, and Mexico. Its legitimate fruits are seen in the poverty, imbecility, and anarchy which now pervade all Portuguese and Spanish America. The free-labor system is of German extraction, and it was established in our country by emigrants from Sweden, Holland, Germany, Great Britain and Ireland. We justly ascribe to its influences the strength, wealth, greatness, intelligence, and freedom, which the whole American people now enjoy. One of the chief elements of the value of human life is freedom in the pursuit of happiness. The slave system is not only intolerable, unjust, and inhuman, toward the laborer, whom, only because he is a laborer, it loads

down with chains and converts into merchandise, but is scarcely less severe upon the freeman, to whom, only because he is a laborer from necessity, it denies facilities for employment, and whom it expels from the community because it cannot enslave and convert into merchandise also. It is necessarily improvident and ruinous, because, as a general truth, communities prosper and flourish, or droop and decline, in just the degree that they practise or neglect to practise the primary duties of justice and humanity. The free-labor system conforms to the divine law of equality, which is written in the hearts and consciences of man, and therefore is always and everywhere beneficent.

The slave system is one of constant danger, distrust, suspicion, and watchfulness. It debases those whose toil alone can produce wealth and resources for defence, to the lowest degree of which human nature is capable, to guard against mutiny and insurrection, and thus wastes energies which otherwise might be employed in national development and aggrandizement.

The free-labor system educates all alike, and by opening all the fields of industrial employment and all the departments of authority, to the

unchecked and equal rivalry of all classes of men, at once secures universal contentment, and brings into the highest possible activity all the physical, moral, and social energies of the whole state. In states where the slave system prevails, the masters, directly or indirectly, secure all political power, and constitute a ruling aristocracy. In states where the free-labor system prevails, universal suffrage necessarily obtains, and the state inevitably becomes, sooner or later, a republic or democracy.

Russia yet maintains slavery, and is a despotism.* Most of the other European states have abolished slavery, and adopted the system of free labor. It was the antagonistic political tendencies of the two systems which the first Napoleon was contemplating when he predicted that Europe would ultimately be either all Cossack or all republican. Never did human sagacity utter a more pregnant truth. The two systems are at once perceived to be incongruous. But they are more than incongruous—they are incompatible. They never have permanently existed together in one country, and they never can. It would be easy to demonstrate this impossibility, from the irreconcilable contrast between their great

principles and characteristics. But the experience of mankind has conclusively established it. Slavery, as I have already intimated, existed in every state in Europe. Free labor has supplanted it everywhere except in Russia and Turkey. State necessities developed in modern times are now obliging even those two nations to encourage and employ free labor; and already, despotic as they are, we find them engaged in abolishing slavery. In the United States, slavery came into collision with free labor at the close of the last century, and fell before it in New England, New York, New Jersey, and Pennsylvania, but triumphed over it effectually, and excluded it for a period yet undetermined, from Virginia, the Carolinas, and Georgia. Indeed, so incompatible are the two systems, that every new State which is organized within our ever-extending domain makes its first political act a choice of the one and the exclusion of the other, even at the cost of civil war, if necessary. The slave States, without law, at the last national election, successfully forbade, within their own limits, even the casting of votes for a candidate for President of the United States supposed to be favorable to the establishment of the free-labor system in new States.

Hitherto, the two systems have existed in different States, but side by side within the American Union. This has happened because the Union is a confederation of States. But in another aspect the United States constitute only one nation. Increase of population, which is filling the States out to their very borders, together with a new and extended net-work of railroads and other avenues, and an internal commerce which daily becomes more intimate, is rapidly bringing the States into a higher and more perfect social unity or consolidation. Thus, these antagonistic systems are continually coming into closer contact, and collision results.

Shall I tell you what this collision means? They who think that it is accidental, unnecessary, the work of interested or fanatical agitators, and therefore ephemeral, mistake the case altogether. It is an irrepressible conflict between opposing and enduring forces, and it means that the United States must and will, sooner or later, become either entirely a slave-holding nation, or entirely a free-labor nation. Either the cotton- and rice-fields of South Carolina and the sugar plantations of Louisiana will ultimately be tilled by free-labor, and Charleston

and New Orleans become marts of legitimate merchandise alone, or else the rye-fields and wheat-fields of Massachusetts and New York must again be surrendered by their farmers to slave culture and to the production of slaves, and Boston and New York become once more markets for trade in the bodies and souls of men.* It is the failure to apprehend this great truth that induces so many unsuccessful attempts at final compromises between the slave and free States, and it is the existence of this great fact that renders all such pretended compromises, when made, vain and ephemeral. Startling as this saying may appear to you, fellow-citizens, it is by no means an original or even a modern one. Our forefathers knew it to be true, and unanimously acted upon it when they framed the Constitution of the United States. They regarded the existence of the servile system in so many of the States with sorrow and shame, which they openly confessed, and they looked upon the collision between them, which was then just revealing itself, and which we are now accustomed to deplore, with favor and hope. They knew that one or the other system must exclusively prevail.

Unlike too many of those who in modern

time invoke their authority, they had a choice between the two. They preferred the system of free labor, and they determined to organize the government, and so direct its activity, that that system should surely and certainly prevail. For this purpose, and no other, they based the whole structure of the government broadly on the principle that all men are created equal, and therefore free—little dreaming that, within the short period of one hundred years, their descendants would bear to be told by any orator, however popular, that the utterance of that principle was merely a rhetorical rhapsody; or by any judge, however venerated, that it was attended by mental reservation, which rendered it hypocritical and false.⁴ By the ordinance of 1787, they dedicated all of the national domain not yet polluted by slavery to free labor immediately, thenceforth and forever; while by the new Constitution and laws they invited foreign free labor from all lands under the sun, and interdicted the importation of African slave labor, at all times, in all places, and under all circumstances whatsoever.⁵ It is true that they necessarily and wisely modified this policy of freedom by leaving it to the several States, affected as they were by different circumstances, to abolish

slavery in their own way and at their own pleasure, instead of confiding that duty to Congress; and that they secured to the slave States, while yet retaining the system of slavery, a three-fifths representation of slaves in the Federal Government, until they should find themselves able to relinquish it with safety. But the very nature of these modifications fortifies my position, that the fathers knew that the two systems could not endure within the Union, and expected within a short period slavery would disappear forever. Moreover, in order that these modifications might not altogether defeat their grand design of a republic maintaining universal equality, they provided that two thirds of the States might amend the Constitution.*

It remains to say on this point only one word, to guard against misapprehension. If these States are to again become universally slaveholding, I do not pretend to say with what violations of the Constitution that end shall be accomplished. On the other hand, while I do confidently believe and hope that my country will yet become a land of universal freedom, I do not expect that it will be made so otherwise than through the action of the several States

coöperating with the Federal Government, and all acting in strict conformity with their respective constitutions.'

The strife and contentions concerning slavery, which gently-disposed persons so habitually deprecate, are nothing more than the ripening of the conflict which the fathers themselves not only thus regarded with favor, but which they may be said to have instituted.

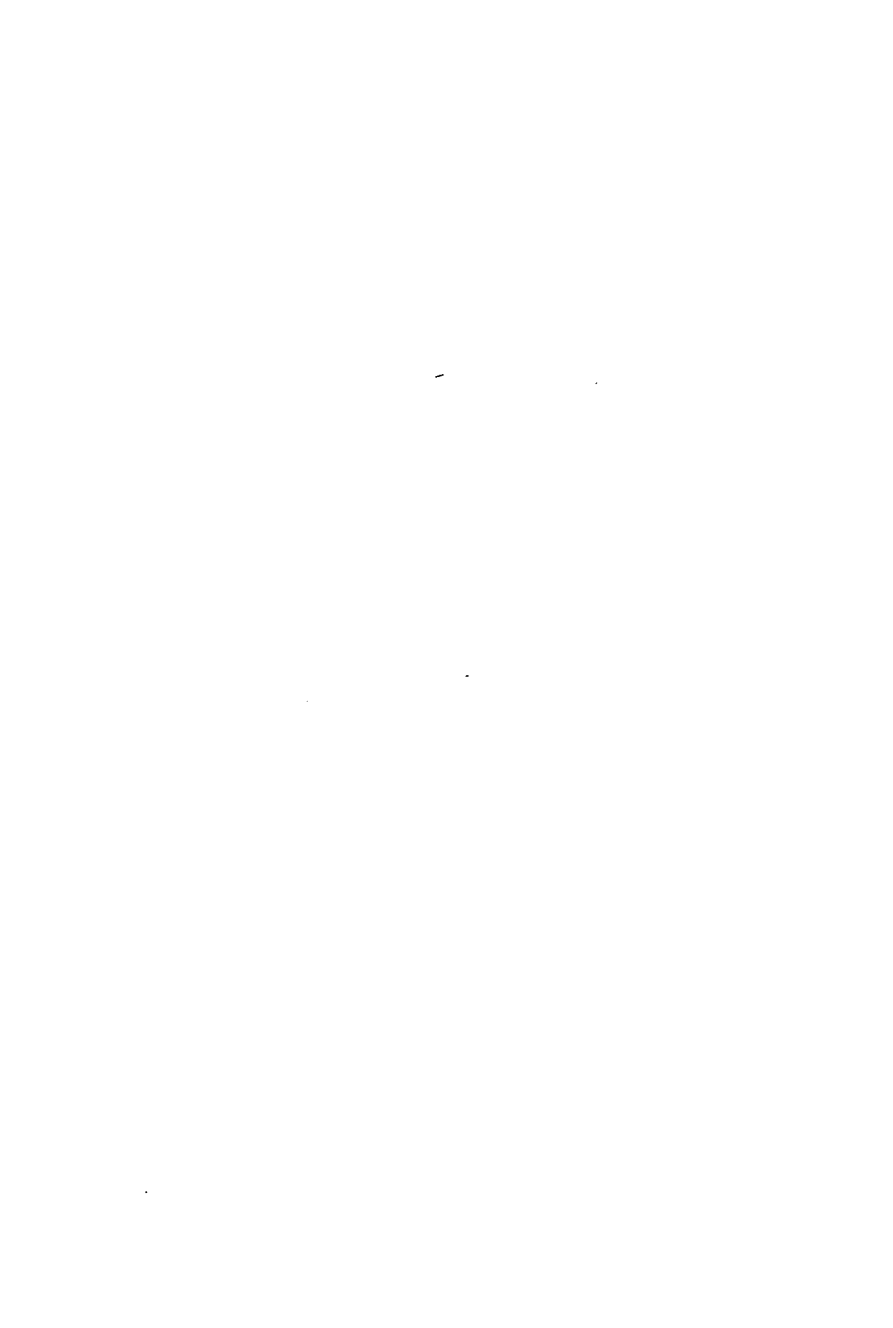
* * * I know—few, I think, know better than I—the resources and energies of the Democratic party, which is identical with the slave power. I do ample justice to its traditional popularity. I know further—few, I think, know better than I—the difficulties and disadvantages of organizing a new political force, like the Republican party, and the obstacles it must encounter in laboring without prestige and without patronage. But, understanding all this, I know that the Democratic party must go down, and that the Republican party must rise into its place. The Democratic party derived its strength, originally, from its adoption of the principles of equal and exact justice to all men.* So long as it practised this principle faithfully, it was invulnerable. It became vulnerable when it renounced the principle, and since that time

it has maintained itself, not by virtue of its own strength, or even of its traditional merits, but because there as yet had appeared in the political field no other party that had the conscience and the courage to take up, and avow, and practise the life-inspiring principle which the Democratic party had surrendered." At last, the Republican party has appeared. It avows, now, as the Republican party of 1800 did, in one word, its faith and its works, "Equal and exact justice to all men." Even when it first entered the field, only half organized, it struck a blow which only just failed to secure complete and triumphant victory. In this, its second campaign, it has already won advantages which render that triumph now both easy and certain.

The secret of its assured success lies in that very characteristic which, in the mouth of scoffers, constitutes its great and lasting imbecility and reproach. It lies in the fact that it is a party of one idea; but that is a noble one—an idea that fills and expands all generous souls; the idea of equality—the equality of all men before human tribunals and human laws, as they all are equal before the Divine tribunal and Divine laws.

I know, and you know, that a revolution has begun. I know, and all the world knows, that revolutions never go backward. Twenty Senators and a hundred Representatives proclaim boldly in Congress to-day sentiments and opinions and principles of freedom which hardly so many men, even in this free State, dared to utter in their own homes twenty years ago. While the Government of the United States, under the conduct of the Democratic party, has been all that time surrendering one plain and castle after another to slavery, the people of the United States have been no less steadily and perseveringly gathering together the forces with which to recover back again all the fields and all the castles which have been lost, and to confound and overthrow, by one decisive blow, the betrayers of the Constitution and freedom forever.¹¹

VI.
SECESSION.



VI.

SECESSION.

FROM the beginning of our history it has been a mooted question whether we are to consider the United States as a political state or as a congeries of political states, as a *Bundesstaat* or as a *Staatenbund*. The essence of the controversy seems to be contained in the very title of the republic, one school laying stress on the word United, as the other does on the word States. The phases of the controversy have been beyond calculation, and one of its consequences has been a civil war of tremendous energy and cost in blood and treasure.

Looking at the facts alone of our history, one would be most apt to conclude that the United States had been a political state from the beginning, its form being entirely revolutionary until the final ratification of the Articles

of Confederation in 1781, then under the very loose and inefficient government of the Articles until 1789, and thereafter under the very efficient national government of the Constitution; that, in the final transformation of 1787-9, there were features which were also decidedly revolutionary; but that there was no time when any of the colonies had the prospect or the power of establishing a separate national existence of its own. The facts are not consistent with the theory that the States ever were independent political states, in any scientific sense.

It cannot be said, however, that the actors in the history always had a clear perception of the facts as they took place. In the teeth of the facts, our early history presents a great variety of assertions of State independence by leading men, State Legislatures, or State constitutions, which still form the basis of the argument for State sovereignty. The State constitutions declared the State to be sovereign and independent, even though the framers knew that

the existence of the State depended on the issue of the national struggle against the mother country. The treaty of 1783 with Great Britain recognized the States separately and by name as "free, sovereign, and independent," even while it established national boundaries outside of the States, covering a vast western territory in which no State would have ventured to forfeit its interest by setting up a claim to practical freedom, sovereignty, or independence. All our early history is full of such contradictions between fact and theory. They are largely obscured by the indiscriminating use of the word "people." As used now, it usually means the national people; but many apparently national phrases as to the "sovereignty of the people," as they were used in 1787-9, would seem far less national if the phraseology could show the feeling of those who then used them that the "people" referred to was the people of the State. In that case the number of the contradictions would be indefinitely increased; and the phraseology of the Constitu-

tion's preamble, "We, the people of the United States," would not be offered as a consciously nationalizing phrase of its framers. It is hardly to be doubted, from the current debates, that the conventions of Massachusetts, New Hampshire, Rhode Island, New York, Virginia, North Carolina, and South Carolina, seven of the thirteen States, imagined and assumed that each ratified the Constitution in 1788-90 by authority of the State's people alone, by the State's sovereign will; while the facts show that in each of these conventions a clear majority was coerced into ratification by a strong minority in its own State, backed by the unanimous ratifications of the other States. If ratification or rejection had really been open to voluntary choice, to sovereign will, the Constitution would never have had a moment's chance of life; so far from being ratified by nine States as a condition precedent to going into effect, it would have been summarily rejected by a majority of the States. In the language of John Adams, the Constitution was

"extorted from the grinding necessities of a reluctant people." The theory of State sovereignty was successfully contradicted by national necessities.

The change from the Articles of Confederation to the Constitution, though it could not help antagonizing State sovereignty, was carefully managed so as to do so as little as possible. As soon as the plans by which the Federal party, under Hamilton's leadership, proposed to develop the national features of the Constitution became evident, the latent State feeling took fire. Its first symptom was the adoption of the name Republican by the new opposition party which took form in 1792-3 under Jefferson's leadership. Up to this time the States had been the only means through which Americans had known any thing of republican government; they had had no share in the government of the mother country in colonial times, and no efficient national government to take part in under the Articles of Confederation. The claim of an exclusive title to the name of

Republican does not seem to have been fundamentally an implication of monarchical tendencies against the Federalists so much as an implication that they were hostile to the States, the familiar exponents of republican government. When the Federalist majority in Congress forced through, in the war excitement against France in 1798, the Alien and Sedition laws, which practically empowered the President to suppress all party criticism of and opposition to the dominant party, the Legislatures of Kentucky and Virginia, in 1798-9, passed series of resolutions, prepared by Jefferson and Madison respectively, which for the first time asserted in plain terms the sovereignty of the States. The two sets of resolutions agreed in the assertion that the Constitution was a "compact," and that the States were the "parties" which had formed it. In these two propositions lies the gist of State sovereignty, of which all its remotest consequences are only natural developments. If it were true that the States, of their sovereign will, had

formed such a compact ; if it were not true that the adoption of the Constitution was a mere alteration of the form of a political state already in existence ; it would follow, as the Kentucky resolutions asserted, that each State had the exclusive right to decide for itself when the compact had been broken, and the mode and measure of redress. It followed, also, that, if the existence and force of the Constitution in a State were due solely to the sovereign will of the State, the sovereign will of the State was competent, on occasion, to oust the Constitution from the jurisdiction covered by the State. In brief, the Union was wholly voluntary in its formation and in its continuance ; and each State reserved the unquestionable right to secede, to abandon the Union, and assume an independent existence whenever due reason, in the exclusive judgment of the State, should arise. These latter consequences, not stated in the Kentucky resolutions, and apparently not contemplated by the Virginia resolutions, were put into complete form by Professor Tucker, of

the University of Virginia, in 1803, in the notes to his edition of "Blackstone's Commentaries." Thereafter its statements of American constitutional law controlled the political training of the South.

Madison held a modification of the State sovereignty theory, which has counted among its adherents the mass of the ability and influence of American authorities on constitutional law. Holding that the Constitution was a compact, and that the States were the parties to it, he held that one of the conditions of the compact was the abandonment of State sovereignty; that the States were sovereign until 1787-8, but thereafter only members of a political state, the United States. This seems to have been the ground taken by Webster, in his debates with Hayne and Calhoun. It was supported by the instances in which the appearance of a sovereignty in each State was yielded in the fourteen years before 1787; but, unfortunately for the theory, Calhoun was able to produce instances exactly parallel after 1787. If the fact

that each State predicated its own sovereignty as an essential part of the steps preliminary to the convention of 1787 be a sound argument for State sovereignty before 1787, the fact that each State predicated its sovereignty as an essential part of the ratification of the Constitution must be taken as an equally sound argument for State sovereignty under the Constitution; and it seems difficult, on the Madison theory, to resist Calhoun's triumphant conclusion that, if the States went into the convention as sovereign States, they came out of it as sovereign States, with, of course, the right of secession. Calhoun himself had a sincere desire to avoid the exercise of the right of secession, and it was as a substitute for it that he evolved his doctrine of nullification, which has been placed in the first volume. When it failed in 1833, the exercise of the right of secession was the only remaining remedy for an asserted breach of State sovereignty.

The events which led up to the success of the Republican party in electing Mr. Lincoln to the

Presidency in 1860 are so intimately connected with the anti-slavery struggle that they have been placed in the preceding volume. They culminated in the first organized attempt to put the right of secession to a practical test. The election of Lincoln, the success of a "sectional party," and the evasion of the fugitive-slave law through the passage of "personal-liberty laws" by many of the Northern States, are the leading reasons assigned by South Carolina for her secession in 1860. These were intelligible reasons, and were the ones most commonly used to influence the popular vote. But all the evidence goes to show that the leaders of secession were not so weak in judgment as to run the hazards of war by reason of "injuries" so minute as these. Their apprehensions were far broader, if less calculated to influence a popular vote. In 1789 the proportions of population and wealth in the two sections were very nearly equal. The slave system of labor had hung as a clog upon the progress of the South, preventing the natural development of

manufactures and commerce, and shutting out immigration. As the numerical disproportion between the two sections increased, Southern leaders ceased to attempt to control the House of Representatives, contenting themselves with balancing new Northern with new Southern States, so as to keep an equal vote in the Senate. Since 1845 this resource had failed. Five free States, Iowa, Wisconsin, California, Minnesota, and Oregon, had been admitted, with no new slave States; Kansas was calling almost imperatively for admission; and there was no hope of another slave State in future. When the election of 1860 demonstrated that the progress of the anti-slavery struggle had united all the free States, it was evident that it was but a question of time when the Republican party would control both branches of Congress and the Presidency, and have the power to make laws according to its own interpretation of the constitutional powers of the Federal Government.

The peril to slavery was not only the prob-

able prohibition of the inter-State slave-trade, though this itself would have been an event which negro slavery in the South could hardly have long survived. The more pressing danger lay in the results of such general Republican success on the Supreme Court. The decision of that Court in the Dred Scott case had fully sustained every point of the extreme Southern claims as to the status of slavery in the Territories; it had held that slaves were property in the view of the Constitution; that Congress was bound to protect slave-holders in this property right in the Territories, and, still more, bound not to prohibit slavery or allow a Territorial Legislature to prohibit slavery in the Territories, and that the Missouri compromise of 1820 was unconstitutional and void. The Southern Democrats entered the election of 1860 with this distinct decision of the highest judicial body of the country to back them. The Republican party had refused to admit that the decision of the Dred Scott case was law or binding. Given a Republican majority

in both Houses and a Republican President, there was nothing to hinder the passage of a law increasing the number of Supreme Court justices to any desired extent, and the new appointments would certainly be of such a nature as to make the reversal of the Dred Scott decision an easy matter. The election of 1860 had brought only a Republican President; the majority in both Houses was to be against him until 1863 at least. But the drift in the North and West was too plain to be mistaken, and it was felt that 1860-1 would be the last opportunity for the Gulf States to secede with dignity and with the prestige of the Supreme Court's support.

Finally, there seems to have been a strong feeling among the extreme secessionists, who loved the right of secession for its own sake, that the accelerating increase in the relative power of the North would soon make secession, on any grounds, impossible. Unless the right was to be forfeited by non-user, it must be established by practical exercise, and at once.

Until about 1825-9 Presidential electors were

chosen in most of the States by the Legislature. After that period the old practice was kept up only in South Carolina. On election day of November, 1860, the South Carolina Legislature was in session for the purpose of choosing electors, but it continued its session after this duty was performed. As soon as Lincoln's election was assured, the Legislature called a State Convention for Dec. 17th, took the preliminary steps toward putting the State on a war footing, and adjourned. The convention met at the State capital, adjourned to Charleston, and here, Dec. 20, 1860, passed unanimously an Ordinance of Secession. By its terms the people of South Carolina, in convention assembled, repealed the ordinance of May 23, 1788, by which the Constitution had been ratified, and all Acts of the Legislature ratifying amendments to the Constitution, and declared the union between the State and other States, under the name of the United States of America, to be dissolved. By a similar process, similar ordinances were adopted by the State Conven-

tions of Mississippi (Jan. 9th), Florida (Jan. 10th), Alabama (Jan. 11th), Georgia (Jan. 19th), Louisiana (Jan. 25th), and Texas (Feb. 1st),—seven States in all.

Outside of South Carolina, the struggle in the States named turned on the calling of the convention; and in this matter the opposition was unexpectedly strong. We have the testimony of Alexander H. Stephens that the argument most effective in overcoming the opposition to the calling of a convention was: "We can make better terms out of the Union than in it." The necessary implication was that secession was not to be final; that it was only to be a temporary withdrawal until terms of compromise and security for the fugitive-slave law and for slavery in the Territories could be extorted from the North and West. The argument soon proved to be an intentional sham.

There has always been a difference between the theory of the State Convention at the North and at the South. At the North, barring a few very exceptional cases, the rule has been

that no action of a State Convention is valid until confirmed by popular vote. At the South, in obedience to the strictest application of State sovereignty, the action of the State Convention was held to be the voice of the people of the State, which needed no popular ratification. There was, therefore, no remedy when the State Conventions, after passing the ordinances of secession, went on to appoint delegates to a Confederate Congress, which met at Montgomery, Feb. 4, 1861, adopted a provisional constitution Feb. 8th, and elected a President and Vice-President Feb. 9th. The conventions ratified the provisional constitution and adjourned, their real object having been completely accomplished; and the people of the several seceding States, by the action of their omnipotent State Conventions, and without their having a word to say about it, found themselves under a new government, totally irreconcilable with the jurisdiction of the United States, and necessarily hostile to it. The only exception was Texas, whose State Convention

had been called in a method so utterly revolutionary that it was felt to be necessary to condone its defects by a popular vote.

No declaration had ever been made by any authority that the erection of such hostile power within the national boundaries of the United States would be followed by war; such a declaration would hardly seem necessary. The recognition of the original national boundaries of the United States had been extorted from Great Britain by successful warfare. They had been extended by purchase from France and Spain in 1803 and 1819, and again by war from Mexico in 1848. The United States stood ready to guarantee their integrity by war against all the rest of the world; was an ordinance of South Carolina, or the election of a *de facto* government within Southern borders, likely to receive different treatment than was given British troops at Bunker Hill, or Santa Anna's lancers at Buena Vista? Men forgot that the national boundaries had been so drawn as to include Vermont before Vermont's admission

and without Vermont's consent ; that unofficial propositions to divide Rhode Island between Connecticut and Massachusetts, to embargo commerce with North Carolina, and demand her share of the Confederation debt, had in 1789-90 been a sufficient indication that it was easier for a State to get into the American Union than to get out of it. It was a fact, nevertheless, that the national power to enforce the integrity of the Union had never been formally declared ; and the mass of men in the South, even though they denied the expediency, did not deny the right of secession, or acknowledge the right of coercion by the Federal Government. To reach the original area of secession with land-forces, it was necessary for the Federal Government to cross the Border States, whose people in general were no believers in the right of coercion. The first attempt to do so extended the secession movement by methods which were far more openly revolutionary than the original secessions. North Carolina and Arkansas seceded in orthodox fashion as soon as President Lincoln called for

volunteers after the capture of Fort Sumter. The State governments of Virginia and Tennessee concluded "military leagues" with the Confederacy, allowed Confederate troops to take possession of their States, and then submitted an ordinance of secession to the form of a popular vote. The State officers of Missouri were chased out of the State before they could do more than begin this process. In Maryland, the State government arrayed itself successfully against secession.

In selecting the representative opinions for this period, all the marked shades of opinion have been respected, both the Union and the anti-coercion sentiment of the Border States, the extreme secession spirit of the Gulf States, and, from the North, the moderate and the extreme Republican, and the orthodox Democratic, views. The feeling of the so-called "peace Democrats" of the North differed so little from those of Toombs or Iverson that it has not seemed advisable to do more than refer to Vallandigham's speech in opposition to the war, under the next period.

JOHN PARKER HALE,*

OF NEW HAMPSHIRE.¹

(BORN 1806, DIED 1873.)

ON SECESSION ; MODERATE REPUBLICAN OPINION ;
IN THE UNITED STATES SENATE, DECEMBER 5,
1860.²

MR. PRESIDENT :

I was very much in hopes when the message was presented that it would be a document which would commend itself cordially to somebody. I was not so sanguine about its pleasing myself, but I was in hopes that it would be one thing or another. I was in hopes that the President would have looked in the face the crisis in which he says the country is, and that his message would be either one thing or another. But, sir, I have read it somewhat carefully. I listened to it as it was read at the desk ; and, if I understand it—and I think I do—it is this : South Carolina has just cause for seceding from the Union ; that is the first

* For notes on Hale, see Appendix, p. 393.

proposition. The second is, that she has no right to secede. The third is, that we have no right to prevent her from seceding. That is the President's message, substantially.* He goes on to represent this as a great and powerful country, and that no State has a right to secede from it; but the power of the country, if I understand the President, consists in what Dickens makes the English constitution to be—a power to do nothing at all.

Now, sir, I think it was incumbent upon the President of the United States to point out definitely and recommend to Congress some rule of action, and to tell us what he recommended us to do. But, in my judgment, he has entirely avoided it. He has failed to look the thing in the face. He has acted like the ostrich, which hides her head and thereby thinks to escape danger. Sir, the only way to escape danger is to look it in the face. I think the country did expect from the President some exposition of a decided policy; and I confess that, for one, I was rather indifferent as to what that policy was that he recommended; but I hoped that it would be something; that it would be decisive. He has utterly failed in that respect.

I think we may as well look this matter right clearly in the face; and I am not going to be long about doing it. I think that this state of affairs looks to one of two things: it looks to absolute submission, not on the part of our Southern friends and the Southern States, but of the North, to the abandonment of their position,—it looks to a surrender of that popular sentiment which has been uttered through the constituted forms of the ballot-box, or it looks to open war. We need not shut our eyes to the fact. It means war, and it means nothing else; and the State which has put herself in the attitude of secession, so looks upon it. She has asked no council, she has considered it as a settled question, and she has armed herself. As I understand the aspect of affairs, it looks to that, and it looks to nothing else except unconditional submission on the part of the majority. I did not read the paper—I do not read many papers—but I understand that there was a remedy suggested in a paper printed, I think, in this city, and it was that the President and the Vice-President should be inaugurated (that would be a great concession!) and then, being inaugurated, they should quietly resign! Well, sir, I am not entirely certain that that

would settle the question. I think that after the President and Vice-President-elect had resigned, there would be as much difficulty in settling who was to take their places as there was in settling it before.

I do not wish, sir, to say a word that shall increase any irritation; that shall add any feeling of bitterness to the state of things which really exists in the country, and I would bear and forbear before I would say any thing which would add to this bitterness. But I tell you, sir, the plain, true way is to look this thing in the face—see where we are. And I avow here—I do not know whether or not I shall be sustained by those who usually act with me—if the issue which is presented is that the constitutional will of the public opinion of this country, expressed through the forms of the Constitution, will not be submitted to, and war is the alternative, let it come in any form or in any shape. The Union is dissolved and it cannot be held together as a Union, if that is the alternative upon which we go into an election. If it is pre-announced and determined that the voice of the majority, expressed through the regular and constituted forms of the Constitution, will not be submitted to, then, sir, this is

not a Union of equals; it is a Union of a dictatorial oligarchy on one side, and a herd of slaves and cowards on the other. That is it, sir; nothing more, nothing less. * * *

ALFRED IVERSON,*

OF GEORGIA.¹

(BORN 1798, DIED 1874.)

ON SECESSION; SECESSIONIST OPINION; IN THE
UNITED STATES SENATE, DECEMBER 5, 1860.²

I DO not rise, Mr. President, for the purpose of entering at any length into this discussion, or to defend the President's message, which has been attacked by the Senator from New Hampshire.* I am not the mouth-piece of the President. While I do not agree with some portions of the message, and some of the positions that have been taken by the President, I do not perceive all the inconsistencies in that document which the Senator from New Hampshire has thought proper to present.

It is true, that the President denies the constitutional right of a State to secede from the Union; while, at the same time, he also states that this Federal Government has no constitu-

* For notes on Iverson, see Appendix, p. 395.

tional right to enforce or to coerce a State back into the Union which may take upon itself the responsibility of secession. I do not see any inconsistency in that. The President may be right when he asserts the fact that no State has a constitutional right to secede from the Union. I do not myself place the right of a State to secede from the Union upon constitutional grounds. I admit that the Constitution has not granted that power to a State. It is exceedingly doubtful even whether the right has been reserved. Certainly it has not been reserved in express terms. I therefore do not place the expected action of any of the Southern States, in the present contingency, upon the constitutional right of secession; and I am not prepared to dispute therefore, the position which the President has taken upon that point.

I rather agree with the President that the secession of a State is an act of revolution taken through that particular means or by that particular measure. It withdraws from the Federal compact, disclaims any further allegiance to it, and sets itself up as a separate government, an independent State. The State does it at its peril, of course, because it may or may not be cause of war by the remaining States composing

the Federal Government. If they think proper to consider it such an act of disobedience, or if they consider that the policy of the Federal Government be such that it cannot submit to this dismemberment, why then they may or may not make war if they choose upon the seceding States. It will be a question of course for the Federal Government or the remaining States to decide for themselves, whether they will permit a State to go out of the Union, and remain as a separate and independent State, or whether they will attempt to force her back at the point of the bayonet. That is a question, I presume, of policy and expediency, which will be considered by the remaining States composing the Federal Government, through their organ, the Federal Government, whenever the contingency arises.

But, sir, while a State has no power, under the Constitution, conferred upon it to secede from the Federal Government or from the Union, each State has the right of revolution, which all admit. Whenever the burdens of the government under which it acts become so onerous that it cannot bear them, or if anticipated evil shall be so great that the State believes it would be better off—even risking the perils of seces-

sion—out of the Union than in it, then that State, in my opinion, like all people upon earth has the right to exercise the great fundamental principle of self-preservation, and go out of the Union—though, of course, at its own peril—and bear the risk of the consequences. And while no State may have the constitutional right to secede from the Union, the President may not be wrong when he says the Federal Government has no power under the Constitution to compel the State to come back into the Union. It may be a *casus omissus* in the Constitution; but I should like to know where the power exists in the Constitution of the United States to authorize the Federal Government to coerce a sovereign State. It does not exist in terms, at any rate, in the Constitution. I do not think there is any inconsistency, therefore, between the two positions of the President in the message upon these particular points.

The only fault I have to find with the message of the President, is the inconsistency of another portion. He declares that, as the States have no power to secede, the Federal Government is in fact a consolidated government; that it is not a voluntary association of States. I deny it. It was a voluntary association of States. No State

was ever forced to come into the Federal Union. Every State came voluntarily into it. It was an association, a voluntary association of States ; and the President's position that it is not a voluntary association is, in my opinion, altogether wrong.

But whether that be so or not, the President declares and assumes that this government is a consolidated government to this extent : that all the laws of the Federal Government are to operate directly upon each individual of the States, if not upon the States themselves, and must be enforced ; and yet, at the same time, he says that the State which secedes is not to be coerced. He says that the laws of the United States must be enforced against every individual of a State.

Of course, the State is composed of individuals within its limits, and if you enforce the laws and obligations of the Federal Government against each and every individual of the State, you enforce them against a State. While, therefore, he says that a State is not to be coerced, he declares, in the same breath, his determination to enforce the laws of the Union, and therefore to coerce the State if a State goes out. There is the inconsistency, according

to my idea, which I do not see how the President or anybody else can reconcile. That the Federal Government is to enforce its laws over the seceding State, and yet not coerce her into obedience, is to me incomprehensible.

But I did not rise, Mr. President, to discuss these questions in relation to the message; I rose in behalf of the State that I represent, as well as other Southern States that are engaged in this movement, to accept the issue which the Senator from New Hampshire has seen fit to tender—that is, *of war*. Sir, the Southern States now moving in this matter are not doing it without due consideration. We have looked over the whole field. We believe that the only security for the institution to which we attach so much importance is secession and a Southern confederacy. We are satisfied, notwithstanding the disclaimers upon the part of the Black Republicans to the contrary, that they intend to use the Federal power, when they get possession of it, to put down and extinguish the institution of slavery in the Southern States. I do not intend to enter upon the discussion of that point. That, however, is my opinion. It is the opinion of a large majority of those with whom I associate at home, and I believe of the

Southern people. Believing that this is the intention and object, the ultimate aim and design, of the Republican party, the Abolitionists of the North, we do not intend to stay in this Union until we shall become so weak that we shall not be able to resist when the time comes for resistance. Our true policy is the one which we have made up our minds to follow. Our true policy is to go out of this Union now, while we have strength to resist any attempt on the part of the Federal Government to coerce us. * * *

We intend, Mr. President, to go out peaceably if we can, forcibly if we must; but I do not believe, with the Senator from New Hampshire, that there is going to be any war. If five or eight States go out, they will necessarily draw all the other Southern States after them. That is a consequence that nothing can prevent. If five or eight States go out of this Union, I should like to see the man that would propose a declaration of war against them, or attempt to force them into obedience to the Federal Government at the point of the bayonet or the sword.

Sir, there has been a good deal of vaporing on this subject. A great many threats have

been thrown out. I have heard them on this floor, and upon the floor of the other House of Congress; but I have also perceived this: they come from those who would be the very last men to attempt to put their threats into execution. Men talk sometimes about their eighteen million who are to whip us; and yet we have heard of cases in which just such men had suffered themselves to be switched in the face, and trembled like sheep-stealing dogs, expecting to be shot every minute. These threats generally come from men who would be the last to execute them. Some of these Northern editors talk about whipping the Southern States like spaniels. Brave words; but I venture to assert none of those men would ever volunteer to command an army to be sent down South to coerce us into obedience to Federal power. * * *

But, sir, I apprehend that when we go out and form our confederacy—as I think and hope we shall do very shortly—the Northern States, or the Federal Government, will see its true policy to be to let us go in peace and make treaties of commerce and amity with us, from which they will derive more advantages than from any attempt to coerce us. They cannot

succeed in coercing us. If they allow us to form our government without difficulty, we shall be very willing to look upon them as a favored nation and give them all the advantages of commercial and amicable treaties. I have no doubt that both of us—certainly the Southern States—would live better, more happily, more prosperously, and with greater friendship, than we live now in this Union.*

Sir, disguise the fact as you will, there is an enmity between the Northern and Southern people that is deep and enduring, and you never can eradicate it—never! Look at the spectacle exhibited on this floor. How is it? There are the Republican Northern Senators upon that side. Here are the Southern Senators on this side. How much social intercourse is there between us? You sit upon your side, silent and gloomy; we sit upon ours with knit brows and portentous scowls. Yesterday I observed that there was not a solitary man on that side of the Chamber came over here even to extend the civilities and courtesies of life; nor did any of us go over there. Here are two hostile bodies on this floor; and it is but a type of the feeling that exists between the two sections. We are enemies as much as if we

were hostile States. I believe that the Northern people hate the South worse than ever the English people hated France; and I can tell my brethren over there that there is no love lost upon the part of the South.

In this state of feeling, divided as we are by interest, by a geographical feeling, by every thing that makes two people separate and distinct, I ask why we should remain in the same Union together? We have not lived in peace; we are not now living in peace. It is not expected or hoped that we shall ever live in peace. My doctrine is that whenever even man and wife find that they must quarrel, and cannot live in peace, they ought to separate; and these two sections—the North and South—manifesting, as they have done and do now, and probably will ever manifest, feelings of hostility, separated as they are in interests and objects, my own opinion is they can never live in peace; and the sooner they separate the better.

Sir, these sentiments I have thrown out crudely I confess, and upon the spur of the occasion. I should not have opened my mouth but that the Senator from New Hampshire seemed to show a spirit of bravado, as if he intended to alarm and scare the Southern States

into a retreat from their movements. He says that war is to come, and you had better take care, therefore. That is the purport of his language ; of course those are not his words ; but I understand him very well, and everybody else, I apprehend, understands him that war is threatened, and therefore the South had better look out. Sir, I do not believe that there will be any war ; but if war is to come, let it come. We will meet the Senator from New Hampshire and all the myrmidons of Abolitionism and Black Republicanism everywhere, upon our own soil ; and in the language of a distinguished member from Ohio in relation to the Mexican War, we will "welcome you with bloody hands to hospitable graves."*

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BENJAMIN WADE,*

OF OHIO.¹

(BORN 1800, DIED 1878.)

**ON SECESSION, AND THE STATE OF THE UNION ;
REPUBLICAN OPINION ; SENATE OF THE UNITED
STATES, DECEMBER 17, 1860.²**

MR. PRESIDENT :

At a time like this, when there seems to be a wild and unreasoning excitement in many parts of the country, I certainly have very little faith in the efficacy of any argument that may be made ; but at the same time, I must say, when I hear it stated by many Senators in this Chamber, where we all raised our hands to Heaven, and took a solemn oath to support the Constitution of the United States, that we are on the eve of a dissolution of this Union, and that the Constitution is to be trampled under foot

* For notes on Wade, see Appendix, p. 396.

—silence under such circumstances seems to me akin to treason itself.

I have listened to the complaints on the other side patiently, and with an ardent desire to ascertain what was the particular difficulty under which they were laboring. Many of those who have supposed themselves aggrieved have spoken; but I confess that I am now totally unable to understand precisely what it is of which they complain. Why, sir, the party which lately elected their President, and are prospectively to come into power, have never held an executive office under the General Government, nor has any individual of them. It is most manifest, therefore, that the party to which I belong have as yet committed no act of which anybody can complain. If they have fears as to the course that we may hereafter pursue, they are mere apprehensions—a bare suspicion; arising, I fear, out of their unwarrantable prejudices, and nothing else.

I wish to ascertain at the outset whether we are right; for I tell gentlemen that, if they can convince me that I am holding any political principle that is not warranted by the Constitution under which we live, or that trenches upon their rights, they need not ask me to

compromise it. I will be ever ready to grant redress, and to right myself whenever I am wrong. No man need approach me with a threat that the Government under which I live is to be destroyed ; because I hope I have now, and ever shall have, such a sense of justice that, when any man shows me that I am wrong, I shall be ready to right it without price or compromise.

Now, sir, what is it of which gentlemen complain? When I left my home in the West to come to this place, all was calm, cheerful, and contented. I heard of no discontent. I apprehended that there was nothing to interrupt the harmonious course of our legislation. I did not learn that, since we adjourned from this place at the end of the last session, there had been any new fact intervening that should at all disturb the public mind. I do not know that there has been any encroachment upon the rights of any section of the country since that time ; I came here, therefore, expecting to have a very harmonious session. It is very true, sir, that the great Republican party which has been organized ever since you repealed the Missouri Compromise, and who gave you, four years ago, full warning that their growing

strength would probably result as it has resulted, have carried the late election; but I did not suppose that would disturb the equanimity of this body. I did suppose that every man who was observant of the signs of the times might well see that things would result as they have resulted. Nor do I understand now that anything growing out of that election is the cause of the present excitement that pervades the country.

Why, Mr. President, this is a most singular state of things. Who is it that is complaining? They that have been in a minority? They that have been the subjects of an oppressive and aggressive Government? No, sir. Let us suppose that when the leaders of the old glorious Revolution met at Philadelphia eighty-four years ago to draw up a bill of indictment against a wicked King and his ministers, they had been at a loss what they should set forth as the causes of their complaint. They had no difficulty in setting them forth so that the great article of impeachment will go down to all posterity as a full justification of all the acts they did. But let us suppose that, instead of its being these old patriots who had met there to dissolve their connection with the British Gov-

ernment, and to trample their flag under foot, it had been the ministers of the Crown, the leading members of the British Parliament, of the dominant party that had ruled Great Britain for thirty years previous: who would not have branded every man of them as a traitor? It would be said: "You who have had the Government in your own hands: you who have been the ministers of the Crown, advising everything that has been done, set up here that you have been oppressed and aggrieved by the action of that very Government which you have directed yourselves." Instead of a sublime revolution, the uprising of an oppressed people, ready to battle against unequal power for their rights, it would have been an act of treason.

How is it with the leaders of this modern revolution? Are they in a position to complain of the action of this Government for years past? Why, sir, they have had more than two-thirds of the Senate for many years past, and until very recently, and have almost that now. You—who complain, I ought to say—represent but a little more than one-fourth of the free people of these United States, and yet your counsels prevail, and have prevailed

all along for at least ten years past. In the Cabinet, in the Senate of the United States, in the Supreme Court, in every department of the Government, your officers, or those devoted to you, have been in the majority, and have dictated all the policies of this Government. Is it not strange, sir, that they who now occupy these positions should come here and complain that their rights are stricken down by the action of the Government?

But what has caused this great excitement that undoubtedly prevails in a portion of our country? If the newspapers are to be credited, there is a reign of terror in all the cities and large towns in the southern portion of this community that looks very much like the reign of terror in Paris during the French revolution. There are acts of violence that we read of almost every day, wherein the rights of northern men are stricken down, where they are sent back with indignities, where they are scourged, tarred, feathered, and murdered, and no inquiry made as to the cause. I do not suppose that the regular Government, in times of excitement like these, is really responsible for such acts. I know that these outbreaks of passion, these terrible excitements that some-

times pervade the community, are entirely irrepressible by the law of the country. I suppose that is the case now ; because if these outrages against northern citizens were really authorized by the State authorities there, were they a foreign Government, everybody knows, if it were the strongest Government on earth, we should declare war upon her in one day.

But what has caused this great excitement ? Sir, I will tell you what I suppose it is. I do not (and I say it frankly) so much blame the people of the South ; because they believe, and they are led to believe by all the information that ever comes before them, that we, the dominant party to-day, who have just seized upon the reins of this Government, are their mortal enemies, and stand ready to trample their institutions under foot. They have been told so by our enemies at the North. Their misfortune, or their fault, is that they have lent a too easy ear to the insinuations of those who are our mortal enemies, while they would not hear us.

Now I wish to inquire, in the first place, honestly, candidly, and fairly, whether the Southern gentlemen on the other side of the Chamber that complain so much, have any

reasonable grounds for that complaint—I mean when they are really informed as to our position.

Northern Democrats have sometimes said that we had personal liberty bills in some few of the States of the North, which somehow trenchd upon the rights of the South under the fugitive bill to recapture their runaway slaves; a position that in not more than two or three cases, so far as I can see, has the slightest foundation in fact; and even if those where it is most complained of, if the provisions of their law are really repugnant to that of the United States, they are utterly void, and the courts would declare them so the moment you brought them up. Thus it is that I am glad to hear the candor of those gentlemen on the other side, that they do not complain of these laws. The Senator from Georgia (Mr. Iverson) himself told us that they had never suffered any injury, to his knowledge and belief, from those bills, and they cared nothing about them. The Senator from Virginia (Mr. Mason) said the same thing; and, I believe, the Senator from Mississippi (Mr. Brown). You all, then, have given up this bone of contention, this matter of complaint which Northern men have

set forth as a grievance more than anybody else.

Mr. Mason. Will the Senator indulge me one moment.

Mr. Wade. Certainly.

Mr. Mason. I know he does not intend to misrepresent me or other gentlemen. What I said was, that the repeal of those laws would furnish no cause of satisfaction to the Southern States. Our opinions of those laws we gave freely. We said the repeal of those laws would give no satisfaction.

Mr. Wade. Mr. President, I do not intend to misrepresent anything. I understood those gentlemen to suppose that they had not been injured by them. I understood the Senator from Virginia to believe that they were enacted in a spirit of hostility to the institutions of the South, and to object to them not because the acts themselves had done them any hurt, but because they were really a stamp of degradation upon Southern men, or something like that—I do not quote his words. The other Senators that referred to it probably intended to be understood in the same way ; but they did acquit these laws of having done them injury to their knowledge or belief,

I do not believe that these laws were, as the Senator supposed, enacted with a view to exasperate the South, or to put them in a position of degradation. Why, sir, these laws against kidnapping are as old as the common law itself, as that Senator well knows. To take a freeman and forcibly carry him out of the jurisdiction of the State, has ever been, by all civilized countries, adjudged to be a great crime; and in most of them, wherever I have understood anything about it, they have penal laws to punish such an offence. I believe the State of Virginia has one to-day as stringent in all its provisions as almost any other of which you complain. I have not looked over the statute-books of the South; but I do not doubt that there will be found this species of legislation upon all your statute-books.

Here let me say, because the subject occurs to me right here, the Senator from Virginia seemed not so much to point out any specific acts that Northern people had done injurious to your property as, what he took to be a dishonor and a degradation. I think I feel as sensitive upon that subject as any other man. If I know myself, I am the last man that would

be the advocate of any law or any act that would humiliate or dishonor any section of this country, or any individual in it; and, on the other hand, let me tell these gentlemen I am exceedingly sensitive upon that same point, whatever they may think about it. I would rather sustain an injury than an insult or dishonor; and I would be as unwilling to inflict it upon others as I would be to submit to it myself. I never will do either the one or the other if I know it:

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I know that charges have been made and rung in our ears, and reiterated over and over again, that we have been unfaithful in the execution of your fugitive bill. Sir, that law is exceedingly odious to any free people. It deprives us of all the old guarantees of liberty that the Anglo-Saxon race everywhere have considered sacred—more sacred than anything else.

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Mr. President, the gentleman says, if I understood him, that these fugitives might be turned over to the authorities of the State from whence they came. That would be a

• very poor remedy for a free man in humble circumstances who was taken under the provisions of this bill in a summary way, to be carried—where? Where he came from? There is no law that requires that he should be carried there. Sir, if he is a free man he may be carried into the market-place anywhere in a slave State; and what chance has he, a poor, ignorant individual, and a stranger, of asserting any rights there, even if there were no prejudices or partialities against him? That would be mere mockery of justice and nothing else, and the Senator well knows it. Sir, I know that from the stringent, summary provisions of this bill, free men have been kidnapped and carried into captivity and sold into everlasting slavery. Will any man who has a regard to the sovereign rights of the State rise here and complain that a State shall not make a law to protect her own people against kidnapping and violent seizures from abroad? Of all men, I believe those who have made most of these complaints should be the last to rise and deny the power of a sovereign State to protect her own citizens against any Federal legislation whatever. These liberty bills, in my judgment, have been passed, not with a view of degrading the South,

but with an honest purpose of guarding the rights of their own citizens from unlawful seizures and abductions. I was exceedingly glad to hear that the Senators on the other side had arisen in their places and had said that the repeal of those laws would not relieve the case from the difficulties under which they now labor.

* * * * *

Gentlemen, it will be very well for us all to take a view of all the phases of this controversy before we come to such conclusions as seem to have been arrived at in some quarters. I make the assertion here that I do not believe, in the history of the world, there ever was a nation or a people where a law repugnant to the general feeling was ever executed with the same faithfulness as has been your most savage and atrocious fugitive bill in the North. You yourselves can scarcely point out any case that has come before any northern tribunal in which the law has not been enforced to the very letter. You ought to know these facts, and you do know them. You all know that when a law is passed anywhere to bind any people, who feel, in conscience, or for any other reason, opposed to its execution, it is not in human nature to

enforce it with the same certainty as a law that meets with the approbation of the great mass of the citizens. Every rational man understands this, and every candid man will admit it. Therefore it is that I do not violently impeach you for your unfaithfulness in the execution of many of your laws. You have in South Carolina a law by which you take free citizens of Massachusetts or any other maritime State, who visit the city of Charleston, and lock them up in jail under the penalty, if they cannot pay the jail-fees, of eternal slavery staring them in the face—a monstrous law, revolting to the best feelings of humanity and violently in conflict with the Constitution of the United States. I do not say this by way of recrimination; for the excitement pervading the country is now so great that I do not wish to add a single coal to the flame; but nevertheless I wish the whole truth to appear.

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Now, Mr. President, I have shown, I think, that the dominant majority here have nothing to complain of in the legislation of Congress, or in the legislation of any of the States, or in the practice of the people of the North, under the fugitive slave bill, except so far as they

say certain State legislation furnishes some evidence of hostility to their institutions. And here, sir, I beg to make an observation. I tell the Senator, and I tell all the Senators, that the Republican party of the Northern States, so far as I know, and of my own State in particular, hold the same opinions with regard to this peculiar institution of yours that are held by all the civilized nations of the world. We do not differ from the public sentiment of England, of France, of Germany, of Italy, and every other civilized nation on God's earth; and I tell you frankly that you never found, and you never will find, a free community that are in love with your peculiar institution. The Senator from Texas (Mr. Wigfall) told us the other day that cotton was king, and that by its influence it would govern all creation. He did not say so in words, but that was the substance of his remark: that cotton was king, and that it had its subjects in Europe who dared not rebel against it. Here let me say to that Senator, in passing, that it turns out that they are very rebellious subjects, and they are talking very disrespectfully at present of that king that he spoke of. They defy you to exercise your power over them. They tell you that they

sympathize in this controversy with what you call the black Republicans. Therefore, I hope that, so far as Europe is concerned at least, we shall hear no more of this boast that cotton is king ; and that he is going to rule all the civilized nations of the world, and bring them to his footstool. Sir, it will never be done.

But, sir, I wish to inquire whether the Southern people are injured by, or have any just right to complain of that platform of principles that we put out, and on which we have elected a President and Vice-President. I have no concealments to make, and I shall talk to you, my Southern friends, precisely as I would talk upon the stump on the subject. I tell you that in that platform we did lay it down that we would, if we had the power, prohibit slavery from another inch of free territory under this Government. I stand on that position to-day. I have argued it probably to half a million people. They stand there, and have commissioned and enjoined me to stand there forever ; and, so help me God, I will. I say to you frankly, gentlemen, that while we hold this doctrine, there is no Republican, there is no convention of Republicans, there is no paper that speaks for them, there is no orator

that sets forth their doctrines, who ever pretends that they have any right in your States to interfere with your peculiar institution ; but, on the other hand, our authoritative platform repudiates the idea that we have any right or any intention ever to invade your peculiar institution in your own States.

Now, what do you complain of? You are going to break up this Government ; you are going to involve us in war and blood, from a mere suspicion that we shall justify that which we stand everywhere pledged not to do. Would you be justified in the eyes of the civilized world in taking so monstrous a position, and predicating it on a bare, groundless suspicion? We do not love slavery. Did you not know that before to-day, before this session commenced? Have you not a perfect confidence that the civilized world is against you on this subject of loving slavery or believing that it is the best institution in the world? Why, sir, everything remains precisely as it was a year ago. No great catastrophe has occurred. There is no recent occasion to accuse us of anything. But all at once, when we meet here, a kind of gloom pervades the whole community and the Senate Chamber. Gentlemen

rise and tell us that they are on the eve of breaking up this Government, that seven or eight States are going to break off their connection with the Government, retire from the Union, and set up a hostile government of their own, and they look imploringly over to us, and say to us: "You can prevent it; we can do nothing to prevent it; but it all lies with you." Well, sir, what can we do to prevent it? You have not even condescended to tell us what you want; but I think I see through the speeches that I have heard from gentlemen on the other side. If we would give up the verdict of the people, and take your platform, I do not know but you would be satisfied with it. I think the Senator from Texas rather intimated, and I think the Senator from Georgia more than intimated, that if we would take what is exactly the Charleston platform on which Mr. Breckenridge was placed, and give up that on which we won our victory, you would grumblingly and hesitatingly be satisfied.

Mr. Iverson. I would prefer that the Senator would look over my remarks before quoting them so confidently. I made no such statement as that. I did not say that I would

be satisfied with any such thing. I would not be satisfied with it.

Mr. Wade. I did not say that the Senator said so ; but by construction I gathered that from his speech. I do not know that I was right in it.

Mr. Iverson. The Senator is altogether wrong in his construction.

Mr. Wade. Well, sir, I have now found what the Senator said on the other point to which he called my attention a little while ago. Here it is :

“ Nor do we suppose that there will be any overt acts upon the part of Mr. Lincoln. For one, I do not dread these overt acts. I do not propose to wait for them. Why, sir, the power of this Federal Government could be so exercised against the institution of slavery in the Southern States, as that, without an overt act, the institution would not last ten years. We know that, sir ; and seeing the storm which is approaching, although it may be seemingly in the distance, we are determined to seek our own safety and security before it shall burst upon us and overwhelm us with its fury, when we are not in a situation to defend ourselves.”

That is what the Senator said.

Mr. Iverson. Yes ; that is what I said.

Mr. Wade. Well, then, you did not expect that Mr. Lincoln would commit any overt act against the Constitution—that was not it—you

were not going to wait for that, but were going to proceed on your supposition that probably he might ; and that is the sense of what I said before.

Well, Mr. President, I have disavowed all intention on the part of the Republican party to harm a hair of your heads anywhere. We hold to no doctrine that can possibly work you an inconvenience. We have been faithful to the execution of all the laws in which you have any interest, as stands confessed on this floor by your own party, and as is known to me without their confessions. It is not, then, that Mr. Lincoln is expected to do any overt act by which you may be injured ; you will not wait for any ; but anticipating that the Government may work an injury, you say you will put an end to it, which means simply, that you intend either to rule or ruin this Government. That is what your complaint comes to ; nothing else. We do not like your institution, you say. Well, we never liked it any better than we do now. You might as well have dissolved the Union at any other period as now, on that account, for we stand in relation to it precisely as we have ever stood ; that is, repudiating it among ourselves as a matter of policy and morals, but

nevertheless admitting that where it is out of our jurisdiction, we have no hold upon it, and no designs upon it.

Then, sir, as there is nothing in the platform on which Mr. Lincoln was elected of which you complain, I ask, is there anything in the character of the President-elect of which you ought to complain? Has he not lived a blameless life? Did he ever transgress any law? Has he ever committed any violation of duty of which the most scrupulous can complain? Why, then, your suspicions that he will? I have shown that you have had the government all the time until, by some misfortune or mal-administration, you brought it to the very verge of destruction, and the wisdom of the people had discovered that it was high time that the scepter should depart from you, and be placed in more competent hands; I say that this being so, you have no constitutional right to complain; especially when we disavow any intention so to make use of the victory we have won as to injure you at all.

This brings me, sir, to the question of compromises. On the first day of this session, a Senator rose in his place and offered a resolution for the appointment of a committee to in-

quire into the evils that exist between the different sections, and to ascertain what can be done to settle this great difficulty. That is the proposition substantially. I tell the Senator that I know of no difficulty; and as to compromises, I had supposed that we were all agreed that the day of compromises was at an end. The most solemn compromises we have ever made have been violated without a where-as. Since I have had a seat in this body, one of considerable antiquity, that had stood for more than thirty years, was swept away from your statute-books. When I stood here in the minority arguing against it; when I asked you to withhold your hand; when I told you it was a sacred compromise between the sections, and that when it was removed we should be brought face to face with all that sectional bitterness that has intervened; when I told you that it was a sacred compromise which no man should touch with his finger, what was your reply? That it was a mere act of Congress—nothing more, nothing less—and that it could be swept away by the same majority that passed it. That was true in point of fact, and true in point of law; but it showed the weakness of compromises. Now, sir, I only speak for my-

self; and I say that, in view of the manner in which other compromises have been heretofore treated, I should hardly think any two of the Democratic party would look each other in the face and say "compromise" without a smile. (Laughter.) A compromise to be brought about by act of Congress, after the experience we have had, is absolutely ridiculous.

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I say, then, that so far as I am concerned, I will yield to no compromise. I do not come here begging, either. It would be an indignity to the people that I represent if I were to stand here parleying as to the rights of the party to which I belong. We have won our right to the Chief Magistracy of this nation in the way that you have always won your predominance; and if you are as willing to do justice to others as to exact it from them, you would never raise an inquiry as to a committee for compromises. Here I beg, barely for myself, to say one thing more. Many of you stand in an attitude hostile to this Government; that is to say, you occupy an attitude where you threaten that, unless we do so and so, you will go out of this Union and destroy the Government. I say to you for myself, that, in my private capacity,

I never yielded to anything by way of threat, and in my public capacity I have no right to yield to any such thing; and therefore I would not entertain a proposition for any compromise, for, in my judgment, this long, chronic controversy that has existed between us must be met, and met upon the principles of the Constitution and laws, and met now. I hope it may be adjusted to the satisfaction of all; and I know no other way to adjust it, except that way which is laid down by the Constitution of the United States. Whenever we go astray from that, we are sure to plunge ourselves into difficulties. The old Constitution of the United States, although commonly and frequently in direct opposition to what I could wish, nevertheless, in my judgment, is the wisest and best constitution that ever yet organized a free Government; and by its provisions I am willing, and intend, to stand or fall. Like the Senator from Mississippi, I ask nothing more. I ask no ingrafting upon it. I ask nothing to be taken away from it. Under its provisions a nation has grown faster than any other in the history of the world ever did before in prosperity, in power, and in all that makes a nation great and glorious. It has

ministered to the advantages of this people; and now I am unwilling to add or take away anything till I can see much clearer than I can now that it wants either any addition or lopping off.

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The Senator from Texas says—it is not exactly his language—we will force you to an ignominious treaty up in Faneuil Hall. Well, sir, you may. We know you are brave; we understand your prowess; we want no fight with you; but, nevertheless, if you drive us to that necessity, we must use all the powers of this Government to maintain it intact in its integrity. If we are overthrown, we but share the fate of a thousand other Governments that have been subverted. If you are the weakest then you must go to the wall; and that is all there is about it. That is the condition in which we stand, provided a State sets herself up in opposition to the General Government.

I say that is the way it seems to me, as a lawyer. I see no power in the Constitution to release a Senator from this position. Sir, if there was any other, if there was an absolute right of secession in the Constitution of the United States when we stepped up there to

take our oath of office, why was there not an exception in that oath? Why did it not run "that we would support the Constitution of the United States unless our State shall secede before our term was out?" Sir, there is no such immunity. There is no way by which this can be done that I can conceive of, except it is standing upon the Constitution of the United States, demanding equal justice for all, and vindicating the old flag of the Union. We must maintain it, unless we are cloven down by superior force.

Well, sir, it may happen that you can make your way out of the Union, and that, by levying war upon the Government, you may vindicate your right to independence. If you should do so, I have a policy in my mind. No man would regret more than myself that any portion of the people of these United States should think themselves impelled, by grievances or anything else, to depart out of this Union, and raise a foreign flag and a hand against the General Government. If there was any just cause on God's earth that I could see that was within my reach of honorable release from any such pretended grievance, they should have it; but they set forth none; I can see none. It is all

a matter of prejudice, superinduced unfortunately, I believe, as I intimated before, more because you have listened to the enemies of the Republican party and what they said of us, while, from your intolerance, you have shut out all light as to what our real principles are. We have been called and branded in the North and in the South and everywhere else, as John Brown men, as men hostile to your institutions, as meditating an attack upon your institutions in your own States—a thing that no Republican ever dreamed of or ever thought of, but has protested against as often as the question has been up ; but your people believe it. No doubt they believe it because of the terrible excitement and reign of terror that prevails there. No doubt they think so, but it arises from false information, or the want of information—that is all. Their prejudices have been appealed to until they have become uncontrolled and uncontrollable.

Well, sir, if it shall be so ; if that “ glorious Union,” as we call it, under which the Government has so long lived and prospered, is now about to come to a final end, as perhaps it may, I have been looking around to see what policy we should adopt ; and through that gloom

which has been mentioned on the other side, if you will have it so, I still see a glorious future for those who stand by the old flag of the nation.

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But, sir, I am for maintaining the Union of these States. I will sacrifice everything but honor to maintain it. That glorious old flag of ours, by any act of mine, shall never cease to wave over the integrity of this Union as it is. But if they will not have it so, in this new, renovated Government of which I have spoken, the 4th of July, with all its glorious memories, will never be repealed. The old flag of 1776 will be in our hands, and shall float over this nation forever; and this capital, that some gentlemen said would be reserved for the Southern republic, shall still be the capital. It was laid out by Washington; it was consecrated by him; and the old flag that he vindicated in the Revolution shall still float from the Capitol.

I say, sir, I stand by the Union of these States. Washington and his compatriots fought for that good old flag. It shall never be hauled down, but shall be the glory of the Government to which I belong, as long as my life shall con-

tinue. To maintain it, Washington and his compatriots fought for liberty and the rights of man. And here I will add that my own father, although but a humble soldier, fought in the same great cause, and went through hardships and privations sevenfold worse than death, in order to bequeath it to his children. It is my inheritance. It was my protector in infancy, and the pride and glory of my riper years; and, Mr. President, although it may be assailed by traitors on every side, by the grace of God, under its shadow I will die.

JOHN JORDON CRITTENDEN,*

OF KENTUCKY.¹

(BORN 1787, DIED 1863.)

ON THE CRITTENDEN COMPROMISE ; UNITED STATES
SENATE, DECEMBER 18, 1860.²

I AM gratified, Mr. President, to see in the various propositions which have been made, such a universal anxiety to save the country from the dangerous dissensions which now prevail ; and I have, under a very serious view and without the least ambitious feeling whatever connected with it, prepared a series of constitutional amendments, which I desire to offer to the Senate, hoping that they may form, in part at least, some basis for measures that may settle the controverted questions which now so much agitate our country. Certainly, sir, I do not propose now any elaborate discussion of the

* For notes on Crittenden, see Appendix, p. 401.

subject. Before presenting these resolutions, however, to the Senate, I desire to make a few remarks explanatory of them, that the Senate may understand their general scope.

The questions of an alarming character are those which have grown out of the controversy between the northern and southern sections of our country in relation to the rights of the slave-holding States in the Territories of the United States, and in relation to the rights of the citizens of the latter in their slaves. I have endeavored by these resolutions to meet all these questions and causes of discontent, and by amendments to the Constitution of the United States, so that the settlement, if we happily agree on any, may be permanent, and leave no cause for future controversy. These resolutions propose, then, in the first place, in substance, the restoration of the Missouri Compromise, extending the line throughout the Territories of the United States to the eastern border of California, recognizing slavery in all the territory south of that line, and prohibiting slavery in all the territory north of it; with a provision, however, that when any of those Territories, north or south, are formed into States, they shall then be at liberty to exclude

or admit slavery as they please ; and that, in the one case or the other, it shall be no objection to their admission into the Union. In this way, sir, I propose to settle the question, both as to territory and slavery, so far as it regards the Territories of the United States.

I propose, sir, also, that the Constitution be so amended as to declare that Congress shall have no power to abolish slavery in the District of Columbia so long as slavery exists in the States of Maryland and Virginia ; and that they shall have no power to abolish slavery in any of the places under their special jurisdiction within the Southern States.

These are the constitutional amendments which I propose, and embrace the whole of them in regard to the questions of territory and slavery. There are other propositions in relation to grievances, and in relation to controversies, which I suppose are within the jurisdiction of Congress, and may be removed by the action of Congress. I propose, in regard to legislative action, that the fugitive slave law, as it is commonly called, shall be declared by the Senate to be a constitutional act, in strict pursuance of the Constitution. I propose to declare that it has been decided by the Supreme

Court of the United States to be constitutional, and that the Southern States are entitled to a faithful and complete execution of that law, and that no amendment shall be made hereafter to it which will impair its efficiency. But, thinking that it would not impair its efficiency, I have proposed amendments to it in two particulars. I have understood from gentlemen of the North that there is objection to the provision giving a different fee where the commissioner decides to deliver the slave to the claimant, from that which is given where he decides to discharge the alleged slave; the law declares that in the latter case he shall have but five dollars, while in the other he shall have ten dollars—twice the amount in one case than in the other. The reason for this was very obvious. In case he delivers the servant to his claimant he is required to draw out a lengthy certificate, stating the principle and substantial grounds on which his decision rests, and to return him either to the marshal or to the claimant to remove him to the State from which he escaped. It was for that reason that a larger fee was given to the commissioner, where he had the largest service to perform. But, sir, the act being viewed unfavorably

and with great prejudice, in a certain portion of our country, this was regarded as very obnoxious, because it seemed to give an inducement to the commissioner to return the slave to the master, as he thereby obtained the larger fee of ten dollars instead of the smaller one of five dollars. I have said, let the fee be the same in both cases.

I have understood, furthermore, sir, that inasmuch as the fifth section of that law was worded somewhat vaguely, its general terms had admitted of the construction in the Northern States that all the citizens were required, upon the summons of the marshal, to go with him to hunt up, as they express it, and arrest the slave; and this is regarded as obnoxious. They have said, "in the Southern States you make no such requisition on the citizen"; nor do we, sir. The section, construed according to the intention of the framers of it, I suppose, only intended that the marshal should have the same right in the execution of process for the arrest of a slave that he has in all other cases of process that he is required to execute—to call on the *posse comitatus* for assistance where he is resisted in the execution of his duty, or where, having executed his duty by the arrest, an at-

tempt is made to rescue the slave. I propose such an amendment as will obviate this difficulty and limit the right of the master and the duty of the citizen to cases where, as in regard to all other process, persons may be called upon to assist in resisting opposition to the execution of the laws.

I have provided further, sir, that the amendment to the Constitution which I here propose, and certain other provisions of the Constitution itself, shall be unalterable, thereby forming a permanent and unchangeable basis for peace and tranquillity among the people. Among the provisions in the present Constitution, which I have by amendment proposed to render unalterable, is that provision in the first article of the Constitution which provides the rule for representation, including in the computation three-fifths of the slaves. That is to be rendered unchangeable. Another is the provision for the delivery of fugitive slaves. That is to be rendered unchangeable.

And with these provisions, Mr. President, it seems to me we have a solid foundation upon which we may rest our hopes for the restoration of peace and good-will among all the States of this Union, and all the people. I propose,

sir, to enter into no particular discussion. I have explained the general scope and object of my proposition. I have provided further, which I ought to mention, that, there having been some difficulties experienced in the courts of the United States in the South in carrying into execution the laws prohibiting the African slave trade, all additions and amendments which may be necessary to those laws to render them effectual should be immediately adopted by Congress, and especially the provision of those laws which prohibit the importation of African slaves into the United States. I have further provided it as a recommendation to all the States of this Union, that whereas laws have been passed of an unconstitutional character, (and all laws are of that character which either conflict with the constitutional acts of Congress, or which in their operation hinder or delay the proper execution of the acts of Congress,) which laws are null and void, and yet, though null and void, they have been the source of mischief and discontent in the country, under the extraordinary circumstances in which we are placed ; I have supposed that it would not be improper or unbecoming in Congress to recommend to the States, both North

and South, the repeal of all such acts of theirs as were intended to control, or intended to obstruct the operation of the acts of Congress, or which in their operation and in their application have been made use of for the purpose of such hindrance and opposition, and that they will repeal these laws or make such explanations or corrections of them as to prevent their being used for any such mischievous purpose.

I have endeavored to look with impartiality from one end of our country to the other ; I have endeavored to search up what appeared to me to be the causes of discontent pervading the land ; and, as far as I am capable of doing so, I have endeavored to propose a remedy for them. I am far from believing that, in the shape in which I present these measures, they will meet with the acceptance of the Senate. It will be sufficiently gratifying if, with all the amendments that the superior knowledge of the Senate may make to them, they shall, to any effectual extent, quiet the country.

Mr. President, great dangers surround us. The Union of these States is dear to the people of the United States. The long experience of its blessings, the mighty hopes of the future, have made it dear to the hearts of the Ameri-

can people. Whatever politicians may say, whatever of dissension may, in the heat of party politics, be created among our people, when you come down to the question of the existence of the Constitution, that is a question beyond all politics; that is a question of life and death. The Constitution and the Union are the life of this great people—yes, sir, the life of life. We all desire to preserve them, North and South; that is the universal desire. But some of the Southern States, smarting under what they conceive to be aggressions of their Northern brethren and of the Northern States, are not contented to continue this Union, and are taking steps, formidable steps, towards a dissolution of the Union, and towards the anarchy and the bloodshed, I fear, that are to follow. I say, sir, we are in the presence of great events. We must elevate ourselves to the level of the great occasion. No party warfare about mere party questions or party measures ought now to engage our attention. They are left behind; they are as dust in the balance. The life, the existence of our country, of our Union, is the mighty question; and we must elevate ourselves to all those considerations which belong to this high subject.

I hope, therefore, gentlemen will be disposed to bring the sincerest spirit of conciliation, the sincerest spirit and desire to adjust all these difficulties, and to think nothing of any little concessions of opinions that they may make, if thereby the Constitution and the country can be preserved.

The great difficulty here, sir—I know it ; I recognize it as the difficult question, particularly with the gentlemen from the North—is the admission of this line of division for the territory, and the recognition of slavery on the one side, and the prohibition of it on the other. The recognition of slavery on the southern side of that line is the great difficulty, the great question with them. Now, I beseech you to think, and you, Mr. President, and all, to think whether, for such a comparative trifle as that, the Union of this country is to be sacrificed. Have we realized to ourselves the momentous consequences of such an event ? When has the world seen such an event ? This is a mighty empire. Its existence spreads its influence throughout the civilized world. Its overthrow will be the greatest shock that civilization and free government have received ; more extensive in its consequences ; more fatal to mankind

and to the great principles upon which the liberty of mankind depends, than the French revolution with all its blood, and with all its war and violence. And all for what? Upon questions concerning this line of division between slavery and freedom? Why, Mr. President, suppose this day all the Southern States, being refused this right; being refused this partition; being denied this privilege, were to separate from the Northern States, and do it peacefully, and then were to come to you peacefully and say, "let there be no war between us; let us divide fairly the Territories of the United States": could the northern section of the country refuse so just a demand? What would you then give them? What would be the fair proportion? If you allowed them their fair relative proportion, would you not give them as much as is now proposed to be assigned on the southern side of that line, and would they not be at liberty to carry their slaves there, if they pleased? You would give them the whole of that; and then what would be its fate?

Is it upon the general principle of humanity, then, that you (addressing Republican Senators) wish to put an end to slavery, or is it to be urged by you as a mere topic and point of

party controversy to sustain party power? Surely I give you credit for looking at it upon broader and more generous principles. Then, in the worst event, after you have encountered disunion, that greatest of all political calamities to the people of this country, and the disunionists come, the separating States come, and demand or take their portion of the Territories, they can take, and will be entitled to take, all that will now lie on the southern side of the line which I have proposed. Then they will have a right to permit slavery to exist in it; and what do you gain for the cause of anti-slavery? Nothing whatever. Suppose you should refuse their demand, and claim the whole for yourselves, that would be a flagrant injustice which you would not be willing that I should suppose would occur. But if you did, what would be the consequence? A State north and a State south, and all the States, north and south, would be attempting to grasp at and seize this territory, and to get all of it that they could. That would be the struggle, and you would have war; and not only disunion, but all these fatal consequences would follow from your refusal now to permit slavery to exist, to recognize it as existing, on the

southern side of the proposed line, while you give to the people there the right to exclude it when they come to form a State government, if such should be their will and pleasure.

Now, gentlemen, in view of this subject, in view of the mighty consequences, in view of the great events which are present before you, and of the mighty consequences which are just now to take effect, is it not better to settle the question by a division upon the line of the Missouri Compromise? For thirty years we lived quietly and peacefully under it. Our people, North and South, were accustomed to look at it as a proper and just line. Can we not do so again? We did it then to preserve the peace of the country. Now you see this Union in the most imminent danger. I declare to you that it is my solemn conviction that unless something be done, and something equivalent to this proposition, we shall be a separated and divided people in six months from this time. That is my firm conviction. There is no man here who deplores it more than I do; but it is my sad and melancholy conviction that that will be the consequence. I wish you to realize fully the danger. I wish you to realize fully the consequences which are to follow. You

can give increased stability to this Union; you can give it an existence, a glorious existence, for great and glorious centuries to come, by now setting it upon a permanent basis, recognizing what the South considers as its rights; and this is the greatest of them all; it is that you should divide the territory by this line, and allow the people south of it to have slavery when they are admitted into the Union as States, and to have it during the existence of the territorial government. That is all. Is it not the cheapest price at which such a blessing as this Union was ever purchased? You think, perhaps, or some of you, that there is no danger, that it will but thunder and pass away. Do not entertain such a fatal delusion. I tell you it is not so. I tell you that as sure as we stand here disunion will progress. I fear it may swallow up even old Kentucky in its vortex—as true a State to the Union as yet exists in the whole Confederacy—unless something be done; but that you will have disunion, that anarchy and war will follow it, that all this will take place in six months, I believe as confidently as I believe in your presence. I want to satisfy you of the fact.

* * * * *

The present exasperation ; the present feeling of disunion, is the result of a long-continued controversy on the subject of slavery and of territory. I shall not attempt to trace that controversy ; it is unnecessary to the occasion, and might be harmful. In relation to such controversies, I will say, though, that all the wrong is never on one side, or all the right on the other. Right and wrong, in this world, and in all such controversies, are mingled together. I forbear now any discussion or any reference to the right or wrong of the controversy, the mere party controversy ; but in the progress of party, we now come to a point where party ceases to deserve consideration, and the preservation of the Union demands our highest and our greatest exertions. To preserve the Constitution of the country is the highest duty of the Senate, the highest duty of Congress—to preserve it and to perpetuate it, that we may hand down the glories which we have received to our children and to our posterity, and to generations far beyond us. We are, Senators, in positions where history is to take notice of the course we pursue.

History is to record us. Is it to record that when the destruction of the Union was immi-

ment; when we saw it tottering to its fall; when we saw brothers arming their hands for hostility with one another, we stood quarrelling about points of party politics; about questions which we attempted to sanctify and to consecrate by appealing to our conscience as the source of them? Are we to allow such fearful catastrophes to occur while we stand trifling away our time? While we stand thus, showing our inferiority to the great and mighty dead, showing our inferiority to the high positions which we occupy, the country may be destroyed and ruined; and to the amazement of all the world, the great Republic may fall prostrate and in ruins, carrying with it the very hope of that liberty which we have heretofore enjoyed; carrying with it, in place of the peace we have enjoyed, nothing but revolution and havoc and anarchy. Shall it be said that we have allowed all these evils to come upon our country, while we were engaged in the petty and small disputes and debates to which I have referred? Can it be that our name is to rest in history with this everlasting stigma and blot upon it?

Sir, I wish to God it was in my power to preserve this Union by renouncing or agreeing

to give up every conscientious and other opinion. I might not be able to discard it from my mind ; I am under no obligation to do that. I may retain the opinion, but if I can do so great a good as to preserve my country and give it peace, and its institutions and its Union stability, I will forego any action upon my opinions. Well, now, my friends (addressing the Republican Senators), that is all that is asked of you. Consider it well, and I do not distrust the result. As to the rest of this body, the gentlemen from the South, I would say to them, can you ask more than this? Are you bent on revolution, bent on disunion. God forbid it. I cannot believe that such madness possesses the American people. This gives reasonable satisfaction. I can speak with confidence only of my own State. Old Kentucky will be satisfied with it, and she will stand by the Union and die by the Union if this satisfaction be given. Nothing shall seduce her. The clamor of no revolution, the seductions and temptations of no revolution, will tempt her to move one step. She has stood always by the side of the Constitution ; she has always been devoted to it, and is this day. Give her this satisfaction, and I believe all the States of

the South that are not desirous of disunion as a better thing than the Union and the Constitution, will be satisfied and will adhere to the Union, and we shall go on again in our great career of national prosperity and national glory.

But, sir, it is not necessary for me to speak to you of the consequences that will follow disunion. Who of us is not proud of the greatness we have achieved? Disunion and separation destroy that greatness. Once disunited, we are no longer great. The nations of the earth who have looked upon you as a formidable Power, and rising to untold and immeasurable greatness in the future, will scoff at you. Your flag, that now claims the respect of the world, that protects American property in every port and harbor of the world, that protects the rights of your citizens everywhere, what will become of it? What becomes of its glorious influence? It is gone; and with it the protection of American citizens and property. To say nothing of the national honor which it displayed to all the world, the protection of your rights, the protection of your property abroad is gone with that national flag, and we are hereafter to conjure and contrive different flags

for our different republics according to the feverish fancies of revolutionary patriots and disturbers of the peace of the world. No, sir; I want to follow no such flag. I want to preserve the union of my country. We have it in our power to do so, and we are responsible if we do not do it.

I do not despair of the Republic. When I see before me Senators of so much intelligence and so much patriotism, who have been so honored by their country, sent here as the guardians of that very union which is now in question, sent here as the guardians of our national rights, and as guardians of that national flag, I cannot despair; I cannot despond. I cannot but believe that they will find some means of reconciling and adjusting the rights of all parties, by concessions, if necessary, so as to preserve and give more stability to the country and to its institutions.

ROBERT TOOMBS,*

OF GEORGIA.¹

(BORN 1810—DIED 1885.)

ON SECESSION; SECESSIONIST OPINION; IN THE
UNITED STATES SENATE, JANUARY 7, 1861.²

MR. PRESIDENT AND SENATORS :

The success of the Abolitionists and their allies, under the name of the Republican party, has produced its logical results already. They have for long years been sowing dragons' teeth, and have finally got a crop of armed men. The Union, sir, is dissolved. That is an accomplished fact in the path of this discussion that men may as well heed. One of your confederates has already, wisely, bravely, boldly, confronted public danger, and she is only ahead of many of her sisters because of her greater facility for speedy action.* The greater majority of those sister States, under like circumstances, consider her cause as their cause; and I charge you in their name to-day, "Touch

* For notes on Toombs, see Appendix, p. 406.

not Saguntum." It is not only their cause, but it is a cause which receives the sympathy and will receive the support of tens and hundreds of thousands of honest patriotic men in the non-slave-holding States, who have hitherto maintained constitutional rights, and who respect their oaths, abide by compacts, and love justice. And while this Congress, this Senate, and this House of Representatives, are debating the constitutionality and the expediency of seceding from the Union, and while the perfidious authors of this mischief are showering down denunciations upon a large portion of the patriotic men of this country, those brave men are coolly and calmly voting what you call revolution—ay, sir, doing better than that: arming to defend it. They appealed to the Constitution, they appealed to justice, they appealed to fraternity, until the Constitution, justice, and fraternity were no longer listened to in the legislative halls of their country, and then, sir, they prepared for the arbitrament of the sword; and now you see the glittering bayonet, and you hear the tramp of armed men from your Capitol to the Rio Grande. It is a sight that gladdens the eyes and cheers the heart of other millions ready to second them.

Inasmuch, sir, as I have labored earnestly, honestly, sincerely, with these men to avert this necessity so long as I deemed it possible, and inasmuch as I heartily approve their present conduct of resistance, I deem it my duty to state their case to the Senate, to the country, and to the civilized world.

Senators, my countrymen have demanded no new government; they have demanded no new constitution. Look to their records at home and here from the beginning of this national strife until its consummation in the disruption of the empire, and they have not demanded a single thing except that you shall abide by the Constitution of the United States; that constitutional rights shall be respected, and that justice shall be done. Sirs, they have stood by your Constitution; they have stood by all its requirements; they have performed all its duties unselfishly, uncalculatingly, disinterestedly, until a party sprang up in this country which endangered their social system—a party which they arraign, and which they charge before the American people and all mankind, with having made proclamation of outlawry against four thousand millions of their property in the Territories of the United States; with

having put them under the ban of the empire in all the States in which their institutions exist, outside the protection of Federal laws; with having aided and abetted insurrection from within and invasion from without, with the view of subverting those institutions, and desolating their homes and their firesides. For these causes they have taken up arms. I shall proceed to vindicate the justice of their demands, the patriotism of their conduct. I will show the injustice which they suffer and the rightfulness of their resistance.

I shall not spend much time on the question that seems to give my honorable friend (Mr. Crittenden) so much concern—the constitutional right of a State to secede from this Union. Perhaps he will find out after a while that it is a fact accomplished. You have got it in the South pretty much both ways. South Carolina has given it to you regularly, according to the approved plan. You are getting it just below there (in Georgia), I believe, irregularly, outside of the law, without regular action.* You can take it either way. You will find armed men to defend both. I have stated that the discontented States of this Union have demanded nothing but clear, distinct, unequivocal

cal, well-acknowledged constitutional rights; rights affirmed by the highest judicial tribunals of their country; rights older than the Constitution; rights which are planted upon the immutable principles of natural justice; rights which have been affirmed by the good and the wise of all countries, and of all centuries. We demand no power to injure any man. We demand no right to injure our confederate States. We demand no right to interfere with their institutions, either by word or deed. We have no right to disturb their peace, their tranquillity, their security. We have demanded of them simply, solely—nothing else—to give us *equality, security, and tranquillity*. Give us these, and peace restores itself. Refuse them, and take what you can get.

I will now read my own demands, acting under my own convictions, and the universal judgment of my countrymen. They are considered the demands of an extremist. To hold to a constitutional right now makes one considered as an extremist—I believe that is the appellation these traitors and villains, North and South, employ. I accept their reproach rather than their principles. Accepting their designation of treason and rebellion, there stands before

them as good a traitor, and as good a rebel as ever descended from revolutionary loins.

What do the rebels demand? First, "that the people of the United States shall have an equal right to emigrate and settle in the present or any future acquired territories, with whatever property they may possess (including slaves), and be securely protected in its peaceable enjoyment until such Territory may be admitted as a State into the Union, with or without slavery, as she may determine, on an equality with all existing States." That is our territorial demand. We have fought for this Territory when blood was its price. We have paid for it when gold was its price. We have not proposed to exclude you, though you have contributed very little of blood or money. I refer especially to New England. We demand only to go into those Territories upon terms of equality with you, as equals in this great Confederacy, to enjoy the common property of the whole Union, and receive the protection of the common government, until the Territory is capable of coming into the Union as a sovereign State, when it may fix its own institutions to suit itself.

The second proposition is, "that property in slaves shall be entitled to the same protection

from the Government of the United States, in all of its departments, everywhere, which the Constitution confers the power upon it to extend to any other property, provided nothing herein contained shall be construed to limit or restrain the right now belonging to every State to prohibit, abolish, or establish and protect slavery within its limits." We demand of the common government to use its granted powers to protect our property as well as yours.* For this protection we pay as much as you do. This very property is subject to taxation. It has been taxed by you and sold by you for taxes. The title to thousands and tens of thousands of slaves is derived from the United States. We claim that the Government, while the Constitution recognizes our property for the purposes of taxation, shall give it the same protection that it gives yours. Ought it not to be so? You say no. Every one of you upon the committee said no. Your Senators say no. Your House of Representatives says no. Throughout the length and breadth of your conspiracy against the Constitution, there is but one shout of no! This recognition of this right is the price of my allegiance. Withhold it, and you do not get my obedience. This is the philosophy of the

armed men who have sprung up in this country. Do you ask me to support a government that will tax my property; that will plunder me; that will demand my blood, and will not protect me? I would rather see the population of my native State laid six feet beneath her sod than they should support for one hour such a government. Protection is the price of obedience everywhere, in all countries. It is the only thing that makes government respectable. Deny it and you cannot have free subjects or citizens; you may have slaves.

We demand, in the next place, "that persons committing crimes against slave property in one State, and fleeing to another, shall be delivered up in the same manner as persons committing crimes against other property, and that the laws of the State from which such persons flee shall be the test of criminality." That is another one of the demands of an extremist and rebel. The Constitution of the United States, article four, section two, says:

"A person charged in any State with treason, felony, or other crime, who shall flee from justice and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up to be

removed to the State having jurisdiction of the crime." But the non-slave-holding States, treacherous to their oaths and compacts, have steadily refused, if the criminal only stole a negro, and that negro was a slave, to deliver him up. It was refused twice on the requisition of my own State as long as twenty-two years ago. It was refused by Kent and by Fairfield, Governors of Maine, and representing, I believe, each of the then Federal parties. We appealed then to fraternity, but we submitted; and this constitutional right has been practically a dead letter from that day to this. The next case came up between us and the State of New York, when the present senior Senator (Mr. Seward) was the Governor of that State; and he refused it. Why? He said it was not against the laws of New York to steal a negro, and therefore he would not comply with the demand. He made a similar refusal to Virginia. Yet these are our confederates; these are our sister States! There is the bargain; there is the compact. You have sworn to it. Both these Governors swore to it. The Senator from New York swore to it. The Governor of Ohio swore to it when he was inaugurated. You cannot bind them by oaths.

Yet they talk to us of treason ; and I suppose they expect to whip freemen into loving such brethren ! They will have a good time in doing it !

It is natural we should want this provision of the Constitution carried out. The Constitution says slaves are property ; the Supreme Court says so ; the Constitution says so. The theft of slaves is a crime ; they are a subject-matter of felonious asportation. By the text and letter of the Constitution you agreed to give them up. You have sworn to do it, and you have broken your oaths. Of course, those who have done so look out for pretexts. Nobody expected them do otherwise. I do not think I ever saw a perjurer, however bald and naked, who could not invent some pretext to palliate his crime, or who could not, for fifteen shillings, hire an Old Bailey lawyer to invent some for him. Yet this requirement of the Constitution is another one of the extreme demands of an extremist and a rebel.

The next stipulation is that fugitive slaves shall be surrendered under the provisions of the fugitive-slave act of 1850, without being entitled either to a writ of *habeas corpus*, or trial by jury, or other similar obstructions of legislation,

in the State to which he may flee. Here is the Constitution :

“No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.”

This language is plain, and everybody understood it the same way for the first forty years of your government. In 1793, in Washington's time, an act was passed to carry out this provision. It was adopted unanimously in the Senate of the United States, and nearly so in the House of Representatives. Nobody then had invented pretexts to show that the Constitution did not mean a negro slave. It was clear; it was plain. Not only the Federal courts, but all the local courts in all the States, decide that this was a constitutional obligation. How is it now? The North sought to evade it; following the instincts of their natural character, they commenced with the fraudulent fiction that fugitives were entitled to *habeas corpus*, entitled to trial by jury in the State to which they fled. They pretended to believe

that our fugitive slaves were entitled to more rights than their white citizens; perhaps they were right, they know one another better than I do. You may charge a white man with treason, or felony, or other crime, and you do not require any trial by jury before he is given up; there is nothing to determine but that he is legally charged with a crime and that he fled, and then he is to be delivered up upon demand. White people are delivered up every day in this way; but not slaves. Slaves, black people, you say, are entitled to trial by jury; and in this way schemes have been invented to defeat your plain constitutional obligations. * * *

The next demand made on behalf of the South is, "that Congress shall pass effective laws for the punishment of all persons in any of the States who shall in any manner aid and abet invasion or insurrection in any other State, or commit any other act against the laws of nations, tending to disturb the tranquillity of the people or government of any other State." That is a very plain principle. The Constitution of the United States now requires, and gives Congress express power, to define and punish piracies and felonies committed on the high seas, and *offences against the laws of na-*

tions. When the honorable and distinguished Senator from Illinois (Mr. Douglas) last year introduced a bill for the purpose of punishing people thus offending under that clause of the Constitution, Mr. Lincoln, in his speech at New York, which I have before me, declared that it was a "sedition bill"; his press and party hooted at it.' So far from recognizing the bill as intended to carry out the Constitution of the United States, it received their jeers and jibes. 'The Black Republicans of Massachusetts elected the admirer and eulogist of John Brown's courage as their governor,* and we may suppose he will throw no impediments in the way of John Brown's successors. The epithet applied to the bill of the Senator from Illinois is quoted from a deliberate speech delivered by Lincoln in New York, for which, it was stated in the journals, according to some resolution passed by an association of his own party, he was paid a couple of hundred dollars. The speech should therefore have been deliberate. Lincoln denounced that bill. He places the stamp of his condemnation upon a measure intended to promote the peace and security of confederate States. He is, therefore, an enemy of the human race, and deserves the execration of all mankind.

We demand these five propositions. Are they not right? Are they not just? Take them in detail, and show that they are not warranted by the Constitution, by the safety of our people, by the principles of eternal justice. We will pause and consider them; but mark me, we will not let you decide the question for us. * * *

Senators, the Constitution is a compact. It contains all our obligations and the duties of the Federal Government. I am content and have ever been content to sustain it. While I doubt its perfection, while I do not believe it was a good compact, and while I never saw the day that I would have voted for it as a proposition *de novo*, yet I am bound to it by oath and by that common prudence which would induce men to abide by established forms rather than to rush into unknown dangers. I have given to it, and intend to give to it, unfaltering support and allegiance, but I choose to put that allegiance on the true ground, not on the false idea that anybody's blood was shed for it. I say that the Constitution is the whole compact. All the obligations, all the chains that fetter the limbs of my people, are nominated in the bond, and they wisely excluded any conclusion

against them, by declaring that "the powers not granted by the Constitution to the United States, or forbidden by it to the States, belonged to the States respectively or the people." Now I will try it by that standard; I will subject it to that test. The law of nature, the law of justice, would say—and it is so expounded by the publicists—that equal rights in the common property shall be enjoyed. Even in a monarchy the king cannot prevent the subjects from enjoying equality in the disposition of the public property. Even in a despotic government this principle is recognized. It was the blood and the money of the whole people (says the learned Grotius, and say all the publicists) which acquired the public property, and therefore it is not the property of the sovereign. This right of equality being, then, according to justice and natural equity, a right belonging to all States, when did we give it up? You say Congress has a right to pass rules and regulations concerning the Territory and other property of the United States. Very well. Does that exclude those whose blood and money paid for it? Does "dispose of" mean to rob the rightful owners? You must show a better title than that, or a better sword than we have.

But, you say, try the right. I agree to it. But how? By our judgment? No, not until the last resort. What then; by yours? No, not until the same time. How then try it? The South has always said, by the Supreme Court. But that is in our favor, and Lincoln says he will not stand that judgment." Then each must judge for himself of the mode and manner of redress. But you deny us that privilege, and finally reduce us to accepting your judgment. The Senator from Kentucky comes to your aid, and says he can find no constitutional right of secession. Perhaps not; but the Constitution is not the place to look for State rights. If that right belongs to independent States, and they did not cede it to the Federal Government, it is reserved to the States, or to the people. Ask your new commentator where he gets the right to judge for us. Is it in the bond?

The Northern doctrine was, many years ago, that the Supreme Court was the judge. That was their doctrine in 1800. They denounced Madison for the report of 1799, on the Virginia resolutions; they denounced Jefferson for framing the Kentucky resolutions, because they were presumed to impugn the decisions of the

Supreme Court of the United States; and they declared that that court was made, by the Constitution, the ultimate and supreme arbiter. That was the universal judgment—the declaration of every free State in this Union, in answer to the Virginia resolutions of 1798, or of all who did answer, even including the State of Delaware, then under Federal control.

The Supreme Court have decided that, by the Constitution, we have a right to go to the Territories and be protected there with our property. You say, we cannot decide the compact for ourselves. Well, can the Supreme Court decide it for us? Mr. Lincoln says he does not care what the Supreme Court decides, he will turn us out anyhow. He says this in his debate with the honorable member from Illinois [Mr. Douglas]. I have it before me. He said he would vote against the decision of the Supreme Court. Then you did not accept that arbiter. You will not take my construction; you will not take the Supreme Court as an arbiter; you will not take the practice of the government; you will not take the treaties under Jefferson and Madison; you will not take the opinion of Madison upon the very question of prohibition in 1820. What, then, will you

take? You will take nothing but your own judgment; that is, you will not only judge for yourselves, not only discard the court, discard our construction, discard the practice of the government, but you will drive us out, simply because you will it. Come and do it! You have sapped the foundations of society; you have destroyed almost all hope of peace. In a compact where there is no common arbiter, where the parties finally decide for themselves, the sword alone at last becomes the real, if not the constitutional, arbiter. Your party says that you will not take the decision of the Supreme Court. You said so at Chicago;" you said so in committee; every man of you in both Houses says so. What are you going to do? You say *we shall submit to your construction*. We shall do it, if you can make us; but not otherwise, or in any other manner. That is settled. You may call it secession, or you may call it revolution; but there is a big fact standing before you, ready to oppose you—that fact is, freemen with arms in their hands. The cry of the Union will not disperse them; we have passed that point; they demand equal rights; you had better heed the demand. * * *

SAMUEL SULLIVAN COX,*

OF OHIO.¹

(BORN, 1824—DIED, 1889.)

**ON SECESSION ; DOUGLAS DEMOCRATIC OPINION ;
IN THE HOUSE OF REPRESENTATIVES,
JANUARY 14, 1861.²**

MR. CHAIRMAN:

I speak from and for the capital of the greatest of the States of the great West. That potential section is beginning to be appalled at the colossal strides of revolution. It has immense interests at stake in this Union, as well from its position as its power and patriotism. We have had infidelity to the Union before, but never in such a fearful shape. We had it in the East during the late war with England. Even so late as the admission of Texas, Massachusetts resolved herself out of the Union. That resolution has never been repealed, and one would infer, from much of her conduct, that she did not regard herself as bound by our covenant. Since 1856, in the North, we have had infidelity

*** For notes on Cox, see Appendix, p. 410.**

to the Union, more insidious infractions of the Constitution than by open rebellion. Now, sir, as a consequence, in part, of these very infractions, we have rebellion itself, open and daring, in terrific proportions, with dangers so formidable as to seem almost remediless. * * *

I would not exaggerate the fearful consequences of dissolution. It is the breaking up of a federative Union, but it is not like the breaking up of society. It is not anarchy. A link may fall from the chain, and the link may still be perfect, though the chain have lost its length and its strength. In the uniformity of commercial regulations, in matters of war and peace, postal arrangements, foreign relations, coinage, copyrights, tariff, and other Federal and national affairs, this great government may be broken ; but in most of the essential liberties and rights which government is the agent to establish and protect, the seceding State has no revolution, and the remaining States can have none. This arises from that refinement of our polity which makes the States the basis of our instituted labor. Greece was broken by the Persian power, but her municipal institutions remained. Hungary lost her national crown, but her home institutions

remain. South Carolina may preserve her constituted domestic authority, but she must be content to glimmer obscurely remote rather than shine and revolve in a constellated band. She even goes out by the ordinance of a so-called sovereign convention, content to lose by her isolation that youthful, vehement, exultant, progressive life, which is our NATIONALITY! She foregoes the hopes, the boasts, the flag, the music, all the emotions, all the traits, and all the energies which, when combined in our United States, have won our victories in war and our miracles of national advancement. Her Governor, Colonel Pickens, in his inaugural, regretfully "looks back upon the inheritance South Carolina had in the common glories and triumphant power of this wonderful confederacy, and fails to find language to express the feelings of the human heart as he turns from the contemplation." The ties of brotherhood, interest, lineage, and history are all to be severed. No longer are we to salute a South Carolinian with the "*idem sententiam de republica*," which makes unity and nationality. What a *prestige* and glory are here dimmed and lost in the contaminated reason of man!

Can we realize it? Is it a masquerade, to

last for a night, or a reality to be dealt with, with the world's rough passionate handling? It is sad and bad enough; but let us not over-tax our anxieties about it as yet. It is not the sanguinary regime of the French revolution; not the rule of assignats and guillotine; not the cry of "*Vivent les Rouges! A mort les gendarmes!*" but as yet, I hope I may say, the peaceful attempt to withdraw from the burdens and benefits of the Republic. Thus it is unlike every other revolution. Still it is revolution. It may, according as it is managed, involve consequences more terrific than any revolution since government began.

If the Federal Government is to be maintained, its strength must not be frittered away by conceding the theory of secession. To concede secession as a right, is to make its pathway one of roses and not of thorns. I would not make its pathway so easy. If the government has any strength for its own preservation, the people demand it should be put forth in its civil and moral forces. Dealing, however, with a sensitive public sentiment, in which this strength reposes, it must not be rudely exercised. It should be the iron hand in the glove of velvet. Firmness should be allied with kind-

ness. Power should assert its own prerogative, but in the name of law and love. If these elements are not thus blended in our policy, as the Executive proposes, our government will prove either a garment of shreds or a coat of mail. We want neither. * * *

Before we enter upon a career of force, let us exhaust every effort at peace. Let us seek to excite love in others by the signs of love in ourselves. Let there be no needless provocation and strife. Let every reasonable attempt at compromise be considered. Otherwise we have a terrible alternative. War, in this age and in this country, sir, should be the *ultima ratio*. Indeed, it may well be questioned whether there is any reason in it for war. What a war! Endless in its hate, without truce and without mercy. If it ended ever, it would only be after a fearful struggle; and then with a heritage of hate which would forever forbid harmony. * * *

Small States and great States; new States and old States; slave States and free States; Atlantic States and Pacific States; gold and silver States; iron and copper States; grain States and lumber States; river States and lake States;—all having varied interests and

advantages, would seek superiority in armed strength. Pride, animosity, and glory would inspire every movement. God shield our country from such a fulfilment of the prophecy of the revered founders of the Union! Our struggle would be no short, sharp struggle. Law, and even religion herself, would become false to their divine purpose. Their voice would no longer be the voice of God, but of his enemy. Poverty, ignorance, oppression, and its handmaid, cowardice, breaking out into merciless cruelty; slaves false; freemen slaves, and society itself poisoned at the cradle and dishonored at the grave;—its life, now so full of blessings, would be gone with the life of a fraternal and united Statehood. What sacrifice is too great to prevent such a calamity? Is such a picture overdrawn? Already its outlines appear. What means the inaugural of Governor Pickens, when he says: "From the position we may occupy toward the Northern States, as well as from our own internal structure of society, the government may, *from necessity, become strongly military* in its organization"? What mean the minute-men of Governor Wise? What the Southern boast that they have a rifle or shot-gun to each family?

What means the Pittsburgh mob? What this alacrity to save Forts Moultrie and Pinckney? What means the boast of the Southern men of being the best-armed people in the world, not counting the two hundred thousand stand of United States arms stored in Southern arsenals? Already Georgia has her arsenals, with eighty thousand muskets. What mean these lavish grants of money by Southern Legislatures to buy more arms? What mean these rumors of arms and force on the Mississippi? These few facts have already verified the prophecy of Madison as to a disunited Republic.

Mr. Speaker, he alone is just to his country, he alone has a mind unwarped by section, and a memory unparalyzed by fear, who warns against precipitancy. He who could hurry this nation to the rash wager of battle is not fit to hold the seat of legislation. What can justify the breaking up of our institutions into beligerent fractions? Better this marble Capitol were levelled to the dust; better were this Congress struck dead in its deliberations; better an immolation of every ambition and passion which here have met to shake the foundations of society than the hazard of these consequences! * * * I appeal to Southern men,

who contemplate a step so fraught with hazard and strife, to pause. Clouds are about us! There is lightning in their frown! Cannot we direct it harmlessly to the earth? The morning and evening prayer of the people I speak for in such weakness rises in strength to that Supreme Ruler who, in noticing the fall of a sparrow, cannot disregard the fall of a nation, that our States may continue to be as they have been—*one*; one in the unreserve of a mingled national being; one as the thought of God is one!

JEFFERSON DAVIS,*

OF MISSISSIPPI.¹

(BORN 1808, DIED 1889.)

**ON WITHDRAWAL FROM THE UNION ; SECESSIONIST
OPINION ; UNITED STATES SENATE, JANUARY
21, 1861.²**

I RISE, Mr. President, for the purpose of announcing to the Senate that I have satisfactory evidence that the State of Mississippi, by a solemn ordinance of her people in convention assembled, has declared her separation from the United States. Under these circumstances, of course my functions are terminated here. It has seemed to me proper, however, that I should appear in the Senate to announce that fact to my associates, and I will say but very little more. The occasion does not invite me to go into argument, and my physical condition would not permit me to do so if it were other-

* For notes on Davis, see Appendix, p. 413.

wise; and yet it seems to become me to say something on the part of the State I here represent, on an occasion so solemn as this.

It is known to Senators who have served with me here, that I have for many years advocated, as an essential attribute of State sovereignty, the right of a State to secede from the Union. Therefore, if I had not believed there was justifiable cause; if I had thought that Mississippi was acting without sufficient provocation, or without an existing necessity, I should still, under my theory of the Government, because of my allegiance to the State of which I am a citizen, have been bound by her action. I, however, may be permitted to say that I do think that she has justifiable cause, and I approve of her act. I conferred with her people before that act was taken, counselled them then that if the state of things which they apprehended should exist when the convention met, they should take the action which they have now adopted.

I hope none who hear me will confound this expression of mine with the advocacy of the right of a State to remain in the Union, and to disregard its constitutional obligations by the nullification of the law. Such is not my theory.

Nullification and secession, so often confounded, are indeed antagonistic principles. Nullification is a remedy which it is sought to apply within the Union, and against the agent of the States. It is only to be justified when the agent has violated his constitutional obligation, and a State, assuming to judge for itself, denies the right of the agent thus to act, and appeals to the other States of the Union for a decision; but when the States themselves, and when the people of the States, have so acted as to convince us that they will not regard our constitutional rights, then, and then for the first time, arises the doctrine of secession in its practical application.

A great man who now reposes with his fathers, and who has been often arraigned for a want of fealty to the Union, advocated the doctrine of nullification, because it preserved the Union. It was because of his deep-seated attachment to the Union, his determination to find some remedy for existing ills short of a severance of the ties which bound South Carolina to the other States, that Mr. Calhoun advocated the doctrine of nullification, which he proclaimed to be peaceful, to be within the limits of State power, not to disturb the Union, but only to be a means of

bringing the agent before the tribunal of the States for their judgment.

Secession belongs to a different class of remedies. It is to be justified upon the basis that the States are sovereign. There was a time when none denied it. I hope the time may come again, when a better comprehension of the theory of our Government, and the inalienable rights of the people of the States, will prevent any one from denying that each State is a sovereign, and thus may reclaim the grants which it has made to any agent whomsoever.

I therefore say I concur in the action of the people of Mississippi, believing it to be necessary and proper, and should have been bound by their action if my belief had been otherwise; and this brings me to the important point which I wish on this last occasion to present to the Senate. It is by this confounding of nullification and secession that the name of the great man, whose ashes now mingle with his mother earth, has been invoked to justify coercion against a seceded State. The phrase "to execute the laws," was an expression which General Jackson applied to the case of a State refusing to obey the laws while yet a member of the Union. That is not the case which is

now presented. The laws are to be executed over the United States, and upon the people of the United States. They have no relation to any foreign country. It is a perversion of terms, at least it is a great misapprehension of the case, which cites that expression for application to a State which has withdrawn from the Union. You may make war on a foreign State. If it be the purpose of gentlemen, they may make war against a State which has withdrawn from the Union ; but there are no laws of the United States to be executed within the limits of a seceded State. A State finding herself in the condition in which Mississippi has judged she is, in which her safety requires that she should provide for the maintenance of her rights out of the Union, surrenders all the benefits (and they are known to be many), deprives herself of the advantages (they are known to be great), severs all the ties of affection (and they are close and enduring) which have bound her to the Union ; and thus divesting herself of every benefit, taking upon herself every burden, she claims to be exempt from any power to execute the laws of the United States within her limits.

I well remember an occasion when Massachu-

setts was arraigned before the bar of the Senate, and when then the doctrine of coercion was rife and to be applied against her because of the rescue of a fugitive slave in Boston.' My opinion then was the same that it is now. Not in a spirit of egotism, but to show that I am not influenced in my opinion because the case is my own, I refer to that time and that occasion as containing the opinion which I then entertained, and on which my present conduct is based. I then said, if Massachusetts, following her through a stated line of conduct, chooses to take the last step which separates her from the Union, it is her right to go, and I will neither vote one dollar or one man to coerce her back; but will say to her, God speed, in memory of the kind associations which once existed between her and the other States.

It has been a conviction of pressing necessity, it has been a belief that we are to be deprived in the Union of the rights which our fathers bequeathed to us, which has brought Mississippi into her present decision. She has heard proclaimed the theory that all men are created free and equal, and this made the basis of an attack upon her social institutions; and the sacred Declaration of Independence has been

invoked to maintain the position of the equality of the races. That Declaration of Independence is to be construed by the circumstances and purposes for which it was made. The communities were declaring their independence; the people of those communities were asserting that no man was born—to use the language of Mr. Jefferson—booted and spurred to ride over the rest of mankind; that men were created equal—meaning the men of the political community; that there was no divine right to rule; that no man inherited the right to govern; that there were no classes by which power and place descended to families, but that all stations were equally within the grasp of each member of the body-politic. These were the great principles they announced; these were the purposes for which they made their declaration; these were the end to which their enunciation was directed. They have no reference to the slave; else, how happened it that among the items of arraignment made against George III. was that he endeavored to do just what the North had been endeavoring of late to do—to stir up insurrection among our slaves? Had the Declaration announced that the negroes were free and equal, how was the

Prince to be arraigned for stirring up insurrection among them? And how was this to be enumerated among the high crimes which caused the colonies to sever their connection with the mother country? When our Constitution was formed, the same idea was rendered more palpable, for there we find provision made for that very class of persons as property ; they were not put upon the footing of equality with white men—not even upon that of paupers and convicts ; but, so far as representation was concerned, were discriminated against as a lower caste, only to be represented in the numerical proportion of three-fifths.

Then, Senators, we recur to the compact which binds us together ; we recur to the principles upon which our Government was founded ; and when you deny them, and when you deny to us the right to withdraw from a Government which, thus perverted, threatens to be destructive of our rights, we but tread in the path of our fathers when we proclaim our independence, and take the hazard. This is done not in hostility to others, not to injure any section of the country, not even for our own pecuniary benefit ; but from the high and solemn motive of defending and protecting the

rights we inherited, and which it is our sacred duty to transmit unshorn to our children.

I find in myself, perhaps, a type of the general feeling of my constituents towards yours. I am sure I feel no hostility to you, Senators from the North. I am sure there is not one of you, whatever sharp discussion there may have been between us, to whom I cannot now say, in the presence of my God, I wish you well ; and such, I am sure, is the feeling of the people whom I represent towards those whom you represent. I therefore feel that I but express their desire when I say I hope, and they hope, for peaceful relations with you, though we must part. They may be mutually beneficial to us in the future, as they have been in the past, if you so will it. The reverse may bring disaster on every portion of the country ; and if you will have it thus, we will invoke the God of our fathers, who delivered them from the power of the lion, to protect us from the ravages of the bear ; and thus, putting our trust in God, and in our own firm hearts and strong arms, we will vindicate the right as best we may.

In the course of my service here, associated at different times with a great variety of Sena-

tors, I see now around me some with whom I have served long; there have been points of collision; but whatever of offense there has been to me, I leave here; I carry with me no hostile remembrance. Whatever offense I have given which has not been redressed, or for which satisfaction has not been demanded, I have, Senators, in this hour of our parting to offer you my apology for any pain which, in heat of discussion, I have inflicted. I go hence unencumbered of the remembrance of any injury received, and having discharged the duty of making the only reparation in my power for any injury offered.

Mr. President, and Senators, having made the announcement which the occasion seemed to me to require, it only remains for me to bid you a final adieu.

APPENDIX.

NOTES.

SALMON P. CHASE.

1. Salmon Portland Chase was born at Cornish, N. H., January 13, 1808 ; graduated at Dartmouth College in 1826 ; studied law at Washington City under William Wirt, and was admitted to the Bar in 1829 ; began the practice of law at Cincinnati in 1830 ; compiled a notable edition of the Statutes of Ohio ; became prominent in 1837 as defender of persons accused of violating the Fugitive Slave Act of 1793 ; became identified with the Liberty party in 1841, and participated in its national conventions, at Buffalo in 1843, and at Cincinnati in 1847 ; was a member of the National Free Soil Convention at Buffalo in 1848, which nominated Martin Van Buren for the presidency ; was elected a United States Senator by a combination of Democrats and Free Soilers, serving from March 4, 1849, to March 4, 1855 ; was elected governor of Ohio in 1855 as a Free Soil Democrat, and re-elected as a Republican in 1857 ; was prominently considered as a nominee for the presidency by the Republican National Convention in 1860 ; was again elected to the United States Senate in 1860, but resigned the day after taking his seat to become Secretary of the Treasury under President Lincoln, which position he held until he resigned in 1864 ; was appointed in December, 1864, to the Chief-Justiceship of the Supreme Court of the United States, serving in that capacity until his death, May 7, 1873. Chase presided at the impeachment trial of President Johnson in

1868, and was prominent before the Democratic Convention of 1868 as a candidate for the presidency.

See Poore's *Congressional Directory and Political Register*.

Appleton's *Cyclopædia of American Biography*.

Schucker's *Life of Chase*.

2. The three speeches which we have chosen on the Kansas-Nebraska bill represent three phases of political opinion. Chase speaks for the Free Soil sentiment,—the pronounced anti-slavery opinion ; Douglas, the author of the new Nebraska policy, represents the Democratic view, indifferent to the spread of slavery ; and Everett stands for the Conservative Whig element, of the Webster-Clay type, who, while willing to see slavery restricted, loved the Union more than he hated slavery, and was ready to enter into convenient compromises for the sake of peace.

Douglas introduced the Kansas-Nebraska bill, with his historic report upon the subject, on January 4, 1854. Dixon's amendment specifically repealing the Missouri restriction, was offered on January 16th. The next day Sumner offered an amendment, as a counter proposition, that nothing contained in the bill should be construed to abrogate the Missouri restriction. Douglas incorporated Dixon's amendment in a bill substituted for his original bill, on January 23d. On January 24th the "Appeal of the Independent Democrats," written by Chase and Giddings, was issued to the voters of the country, which protested vigorously against the policy of the bill. Of this address all except the postscript had been written before Douglas introduced his substitute of January 23d. "On January 30th Douglas came into the Senate," says Rhodes, "a prey to angry excitement, and shortly after his entrance he took the floor to open the debate on the Kansas-Nebraska bill. The reason of his rage was soon apparent. It was caused by the Appeal of the Independent Democrats and by the indications

of public sentiment which had already reached Washington, and which Douglas was inclined to attribute wholly to the prompting of this address. In deference to the wishes of Chase and Sumner, he had postponed the consideration of the bill for six days, and now he charged Chase with having come to him 'with a smiling face and the appearance of friendship,' begging for delay, merely in order to get a wide circulation for the Appeal and forestall public opinion before an exposition of the measure was made by its author." *

On February 3, 1854, Chase replied to Douglas and made an elaborate speech on the Kansas-Nebraska bill, the speech of our text. "On that day," says Rhodes, "he took a place in the foremost ranks of the statesmen who devoted themselves to anti-slavery principles. He was, with perhaps the exception of Sumner, the handsomest man in the Senate, and as he rose to make his plea for the maintenance of plighted faith, all felt the force of his commanding presence. More than six feet high, he had a frame and figure proportioned to his height ; with his large head, massive brow, and smoothly-shaven face, he looked like a Roman Senator ; and the similitude was heightened by his coming to plead against the introduction of Punic faith into the Congress of the United States. He appreciated the gravity of the situation, and attributed the crowded galleries, the thronged lobbies, and the full attendance of the Senate to the transcendent interest of the theme. Chase was not a fluent and easy speaker ; he had less of the spirit of the orator than Douglas ; he could not sway an audience of the Senate as could the Little Giant. Nevertheless, the dignity of his manner and the weight of his words obtained him a careful hearing, and he was listened to with attention by Senators and visitors." †

* Rhodes' *History of the United States*, vol. i., p. 444.

† Rhodes' *History of the United States*, vol. i., p. 449.

For a history of the Kansas-Nebraska bill and the discussions to which it gave rise, the student is referred to the introduction on "The Anti-Slavery Struggle," in volume ii. of *American Orations; American History Leaflets*, No. 17, containing Douglas' Report of January 4, Dixon's amendment of January 16, and the "Appeal of the Independent Democrats;" Rhodes' *History of the United States*, vol. i., pp. 424-506; Schouler's *History of the United States*, vol. v., pp. 278-304; Von Holst's *Constitutional History of the United States*, vol. 1850-1854; Sheahan's *Life of Douglas*; Schucker's *Life of Chase*; Davis' *History of the Confederate Government*; Stephens' *War Between the States*; Wilson's *Rise and Fall of the Slave Power*; Julian's *Life of Giddings*; Cox's *Three Decades of Federal Legislation*; *Congressional Globe*, vol. xxviii.

3. After Douglas' speech of January 30th, in which he severely denounced Chase, the latter obtained the floor and defended the *Appeal* which Chase and others had signed and sent to the country. The *Appeal* may be found in the *Congressional Globe*, vol. xxviii., 33d Congress, 1st Session, Part I., pp. 281, 282. It is reprinted in the *American History Leaflets*, No. 17, edited by Professors Hart and Channing.

4. Senator Dodge.

5. The Mexican law prohibited slavery. The slave-holding claims, referred to by Chase, held that the Mexican territory as soon as it came into our possession, passed under the operation of the Constitution which protected slavery. Therefore slavery was legal in the territory as soon as it came into our possession. The Free Soil view, represented by Chase, held that the Mexican law continued to operate over the Territories until the United States should change it, and that the first enactment proposed for the new Territory should contain the Wilmot proviso excluding slavery. A Territorial act

leaving open the question as to the legality of slavery, where before there had been restriction, was not satisfactory to Chase.

6. These provisions were that there should be no restriction as to slavery in the Territories, and that, as States, they should come in free or slave, as they chose.

7. Rhodes says that when Dixon introduced his amendment on January 16, specifically repealing the Missouri restriction, "the Senate was astonished and Douglas was startled. Douglas went at once to Dixon's seat and remonstrated courteously against the amendment. He said that in his bill he had used almost the same words which were employed in the Utah and New Mexico acts; and as they were a part of the compromise measures of 1850, he hoped that Dixon, who had been a zealous friend of that adjustment, would do nothing to interfere with it or weaken it before the country. Dixon replied that it was precisely because he was a zealous friend of the compromise of 1850 that he had introduced the amendment; in his view, the Missouri Compromise, unless expressly repealed, would continue to operate in the Territory of Nebraska; and while the bill of Douglas affirmed the principle of non-intervention, this amendment was necessary to carry it legitimately into effect. That being the well-considered opinion of Dixon, he was determined to insist upon his amendment." —Vol. i., p. 433.

8. In the passage of Chase's Speech here omitted,—covering four pages of the *Congressional Globe*,—he answers Douglas' attack on the Independent Democratic Appeal. He cites the evidence that the Missouri restriction was reasserted in the resolution annexing Texas and applied to Mexican cessions north of 36° 30', and he reviews at length the argument of Douglas that the original policy of the country was one of

indifferentism between slavery and freedom. "If anything," he says, "is susceptible of absolute historical demonstration it is the proposition that the founders of this Republic never contemplated any extension of slavery." Chase's historical review in sustaining this proposition is of value. (See Note 10.) Chase then goes on to review the original discussions over the Missouri Compromise, and says that "then, for the first time, was a geographical line established between slavery and freedom in this country;" and he attempts to show from the public expressions and understanding of the time that the Compromise was "a compact, complete, perfect, irrevocable, so far as any compact embodied in the legislative act, can be said to be irrevocable."

9. See the Independent Democratic Appeal for light upon Chase's discussion at this point.—*American History Leaflets*.

10. Examine this in the light of the passage from Professor Johnston's introduction on "The Anti-Slavery Struggle," p. 7, vol. ii., *American Orations*.

In a former part of this speech, in a passage omitted from our text (note 8). Chase refers to Louisiana in answering Douglas' statement that it was the policy of the fathers of the Republic to establish a geographical line between the slave and the free States. "Afterwards, in 1803," he says, "Louisiana was acquired from France. Did we then hasten to establish a geographical line? No, sir. In Louisiana, as in the territories acquired from Georgia and North Carolina, Congress refrained from applying the policy of 1787; Congress did not interfere with existing slavery; Congress contented itself with enactments prohibiting, absolutely, the introduction of slaves from beyond the limits of the United States; and also prohibiting their introduction from any of the States, except by *bona fide* owners, actually removing to Louisiana for settlement."—*Congressional Globe*, vol. xxix., p. 138.

11. "This speech of Chase was great. As an earnest protest against a measure which violated the sentiment of justice, and whose iniquity the speaker felt in every fibre of his being, it must ever take high rank. In it were united the understanding of the lawyer, the elevation of the statesman, and the gravity of the moralist; the warmth of the advocate is tempered by the fairness of the judge. His statements are lucid, his arguments unanswerable. He seems to feel a profound regret that the question of slavery should be agitated again; but his strong moral nature had burning convictions, and he was bound to express them. The matter is made plain, history is truthfully related, his reasoning is careful, and the conclusions irresistible."—Rhodes, vol. i, p. 451-452.

EDWARD EVERETT.

1. Edward Everett was born at Dorchester, Massachusetts, April 11, 1794; received a classical education, graduating at Harvard College in 1811; studied theology, and was a Unitarian minister in Boston; was elected professor of Greek literature at Harvard in 1814, and spent three years abroad, studying in European universities in preparation for his professorship; was professor at Harvard from 1819 to 1825, most of which time he was also editor of the *North American Review*; was a member of Congress from Massachusetts from December 3, 1825, to March 3, 1835; declined a re-election; was governor of Massachusetts from 1836 to 1840; was minister to England from 1841 to 1845; was president of Harvard College, 1846-1849; was Mr. Fillmore's Secretary of State, filling the vacancy caused by the death of Daniel Webster, from November, 1852, to March, 1853; was elected United States Senator from Massachusetts, serving from December 5,

1853, to June 1, 1854, when he resigned; was the candidate of the Constitutional-Union party for Vice-President, 1860, on the ticket headed by John Bell; was a firm supporter of the Union at the outbreak of the war, and was a presidential elector on the Lincoln and Johnson ticket in 1864; died in Boston January 15, 1865.

Everett was especially famous as a platform orator of the academic type. Whipple calls him "the last great master of persuasive eloquence." There is a notable absence of invective in his style. In classical finished oration-making he takes highest rank among American orators. The oration which first won him renown was his Phi Beta Kappa address of 1824, on "The Circumstances Favorable to the Progress of Literature in America." His subjects were usually those suggested by historical anniversaries, philanthropic or political gatherings, or the death of great men. Richardson, in his *American Literature* says: "Mr. Everett was a pleasant, winsome speaker, whose chief error was that, too often, he only praised or expounded, when he might have added blame to his commendations and analysis. He was not a great creator, not an irresistible destroyer. But his temper was not always uncritical; his long, smooth, well-balanced sentences sometimes presented both sides of a subject; and he could, as in defense of America against her half-informed critics, fifty years ago, cut and sting. His most-repeated lecture, that on Washington, displayed at the best his strong yet gentle powers, his elaborate but genuine rhetorical art."—Vol. i., pp. 237-238.)

Everett's orations are published in four volumes (Little, Brown & Co.) Among the subjects of his more famous orations may be mentioned, "The Principles of the American Constitution," Cambridge, Mass., July 4, 1826; "The First Settlement of New England," December 22, 1824; "The Battle of Lexington," Lexington, Mass., April 19, 1835;

"Education Favorable to Liberty," Amherst College, August 25, 1835; "Importance of Education in a Republic," Taunton, Mass., October 10, 1838; "The Pilgrim Fathers," Plymouth, Mass., December 22, 1845; "The Character of Washington," Boston, February 22, 1856; "Eulogy on Webster," Boston, September 17, 1859; "The Call to Arms," Roxbury, Mass., May 8, 1861; "The Causes and Conduct of the Civil War," Boston, October 16, 1861; Address at Gettysburg, November 19, 1863.

See Appleton's *Cyclopædia of American Biography*.

Poore's *Congressional Directory*.

Richardson's *American Literature*.

Duyckinck's *Cyclopædia of American Literature*.

Harsha's *Orators and Statesmen*.

E. P. Whipple's *Character and Characteristic Men*.

N. P. Willis' *Hurry Graphs*, p. 166.

North American Review, October 1850; January, 1837.

2. In the Kansas-Nebraska debate in the Senate, Everett follows Douglas by a few days, speaking on February 8. As we have said, Everett represents the views of the conservative Whigs, the followers of Webster. He spoke as a friend and supporter of the compromise measures of 1850, to inquire whether fidelity to those compromises demanded support of Douglas' policy represented by this bill. Rhodes says of Everett: "Edward Everett also made a speech against the bill in the Senate. His utterances were important, not only for the weight of his argument, but because he spoke for the conservative Whigs of the North, those who had supported the compromise of 1850 and had been the followers of Webster or Fillmore. Chase and Seward in the Senate, and Sumner and Wade out of it had opposed that adjustment. The character of the opposition had led Douglas to assert that every one in either House of Congress who had supported the

compromise of 1850 was now in favor of the Kansas-Nebraska bill; and this speech of Everett gave that statement the first effective denial. As had been the case when the other senators who have been mentioned spoke, so now crowds filled the Senate Chamber; the House was deserted. The Senator was listened to with profound attention, in which curiosity in regard to his position was mingled with interest, for it had been reported that he would favor the bill. But all doubts regarding Everett's position were soon dispelled as he gradually unfolded his argument, which, though expressed in too courtly phrase to suit the radical spirits, was very forcible. Being of a deprecatory nature, it would hardly have fitted the leader of the opposition. Yet it appealed to men whom the more radical utterances of Chase, Wade, and Sumner could not reach, and it was of great importance as reflecting, and at the same time moulding, a certain public sentiment."—Vol. i., pp. 155, 456.

The first part of Everett's speech, omitted from the text, has to do with subordinate parts of the subject,—the description of the territory, its probable future, the number of its inhabitants, the relation of the Indian tribes to the question. Everett's well known conservative position and his high reputation as a scholar and orator add interest to his speech.

3. In this omission Everett makes a few remarks on the phraseology of the proposed amendment.

4. To sustain his view with reference to the scope and intention of the Territorial acts of 1850 Everett appeals to the acts themselves. Not a word of those acts indicated the Douglas interpretation. It was most singular that words of extension in 1853 should be deemed necessary to give the effect intended by the acts of 1850, while it was not thought necessary to put these words in the original acts themselves. Ev-

erett then appeals to the debates on the measures of 1850, and says: "I do not find a single word from which it appears that any member of the Senate or House of Representatives, at that time, believed that the territorial enactments of 1850, either as principle, or rule, or precedent, or by analogy, or in any other way, were to act retrospectively or prospectively upon any other Territory. On the contrary I find much, very much, of a broad, distinct, directly opposite bearing." Everett then quotes Webster as saying that when he spoke for the bills organizing New Mexico and Utah without restriction as to slavery, he spoke for those Territories alone; and he referred to the notable passage from Webster's 7th of March Speech in which Webster had said that there was not a foot of land in our national domain not fixed by an irrevocable law in regard to its being free soil territory or slave territory.—See vol. ii., p. 180, and Note 17 on *Speech of Douglas*, p. 351.

5. The opponents of the Kansas-Nebraska bill had urged that the territorial legislation of 1850 instead of "superseding" the Missouri restriction of 1820 had actually and in terms recognized and confirmed that restriction. The argument was this: The act of 1850 contains a proviso that nothing therein contained should be construed to impair or qualify a certain section of the resolutions annexing Texas. The section of the annexation resolution referred to recognized by name the Missouri Compromise. In answer to this argument Douglas had made the point that the part of the Texan territory to which this applied had been cut off from Texas, most of which had been assigned to New Mexico. Everett does not consider Douglas' answer sufficient. The Compromise of 1820 had been clearly recognized in 1850, and the question was not whether there was still some Texan territory to which the Compromise applied but whether it operates in Nebraska in its original location. Everett proceeds to examine this argument at length

and in detail. Douglas had also made the point that, the territorial act of 1850 having transferred a small spot of the old Louisiana purchase to Utah, and the Utah act having no anti-slavery restriction, therefore the Missouri restriction was virtually repealed as to the rest of the Louisiana purchase. Everett examines this also.

6. In this omission Everett speaks to the charge that the North itself had been the first to violate the Missouri Compromise. This charge referred to the refusal to extend the line of 36° 30' to the Pacific as had been proposed by Douglas in 1848 in the discussions on the Oregon bill. The refusal had been prompted by the influence of "Northern votes with free soil proclivities," said Douglas. Everett refutes this view, and attributes the refusal to extend the Missouri line to the conservative purpose of the citizens of the free States to resist the extension of slavery into any new territory.

7. Mr. Mason.

8. Everett expresses regret at the proposed repeal of the Missouri Compromise; he makes a plea for the retention of that early landmark and for the maintenance of peace between the sections; urged that the climate and soil of Kansas and Nebraska were not conducive to slavery, and that no inferiority was implied on the part of the South in the restriction. He quotes a letter written in 1820 by Charles Pinckney, a representative from South Carolina, in which Pinckney speaks of the Missouri Compromise as a great triumph for the South.

9. Everett resigned from the Senate June 1, 1854. He was succeeded by Senator Rockwell, appointed, who served from June 15, 1854, to February 10, 1855, when Henry Wilson, having been elected, took his seat.

10. Of this passage Rhodes says: "In conclusion he gave vent to words eminently proper for a philosophic historian, but which sounded strange enough in the midst of a heated debate."—Rhodes' *History of United States*, vol. ii., p. 457.

STEPHEN A. DOUGLAS.

1. Stephen Arnold Douglas was born at Brandon, Vt., April 23, 1813; received an academical education; commenced the study of law at Canandaigua, New York, continuing his study at Cleveland, Ohio, after removing there in 1833; went to Illinois, taught school, was admitted to the bar, and commenced practice at Jacksonville, March, 1834; was elected to the State Legislature in 1836-7; was defeated for Congress in 1838; was appointed Secretary of State for Illinois by the Legislature, 1840-1; was elected one of the Judges of the State Supreme Court in 1841; served in the House in Congress from Illinois, 1843 to 1847; served in the Senate of the United States from March 4, 1847, until his death on June 3, 1861. He was the candidate of the Northern wing of the Democratic party in 1860, and received twelve electoral votes.

The following is from the sketch of Douglas in Appleton's *Cyclopædia of American Biography*: "In 1858, and again in 1860, Douglas visited the Southern States, and made many speeches. Everywhere he boldly denied the right of secession, and maintained that, while this was a union of sovereign States independent in all local matters, they were bound together in an indissoluble compact by the Constitution, which established a national government inherently possessing all powers essential to its own preservation. During the exciting session of 1860-61, Mr. Douglas, as a member of the committee of thirteen, and on the floor of the Senate, labored in-

cessantly to avert civil war by any reasonable measures of adjustment, but at the beginning of hostilities he threw the whole weight of his influence in behalf of the Union, and gave Mr. Lincoln's administration an unfaltering support. In public speeches he denounced secession as crime and madness, and declared that, if the new system of resistance by the sword and bayonet to the result of the ballot-box shall prevail in this country, 'the history of the United States is already written in the history of Mexico.' He said that 'no one could be a true Democrat without being a patriot.' In an address to the Legislature of Illinois, delivered at its unanimous request, he urged the oblivion of all party differences, and appealed to his political friends and opponents to unite in support of the government."

See Appleton's *Cyclopædia of American Biography*; Poore's *Congressional Directory and Political Register*; Sheahan's *Life of Douglas*; S. S. Cox's *Eulogy on Douglas*; Forney's *Life of Douglas*, 2 vols.; Blaine's *Twenty Years of Congress*, vol. i.; George William Curtis' review of the political career of Douglas, *North American Review*, vol. ciii., p. 509; "Reminiscences of Douglas," *Atlantic Monthly*, vol. viii.; *Harper's Monthly*, vol. lxxvii.

2. The debate in the Senate on the Kansas-Nebraska bill continued through February, 1854. Elaborate speeches were made, in addition to those of Chase and Everett, by Senators Dixon, of Kentucky, Badger, of North Carolina, Seward, of New York, Houston, of Texas, Pettit, of Indiana, Hunter, of Virginia, Butler, of South Carolina, Sumner, of Massachusetts, Cass, of Michigan, Wade, of Ohio, Smith, and Toucey, of Connecticut, Fessenden, of Maine, and Bell, of Tennessee.—See *Congressional Globe*, Appendix, vol. xxix., 1st Sess. 33d Congress.

It was Douglas' privilege to close the debate, which he did

on the night of March 3, in the speech of our text. Rhodes says of Douglas on this occasion :

“ And now the day had come when a vote on the bill was to be taken. The Senate met on the 3d of March at the usual hour, and an animated discussion of the measure consumed the afternoon and evening. The floor was full and the galleries were crowded when Douglas rose, half an hour before midnight, to close the debate. He offered to waive his privilege in order that they might proceed to vote ; but many Senators protested, and begged him to go on. The importance of the occasion and the influence which this speech might have on his future career might well make even as ready a speaker as Douglas tremble when he thought what he must confront. The bill had passed to a third reading the day previous by a vote of twenty-nine to twelve, so that argument in the Senate was needless ; but the people of the North were almost unanimously against the measure and its author, and it was to them that Douglas spoke with extraordinary energy and ability, persuading and imploring them to reverse their verdict. A feeling of regret that he had provoked this controversy must have mingled with the excitement of the combatant in the contest ; but there was no trace of it in his manner as he applied himself vigorously to the work of justifying himself, of defending his bill, and of hurling defiance at his opponents.

“ The appearance of Douglas was striking. Though very short in stature, he had an enormous head, and when he rose to take arms against the sea of troubles which opposed him, he was the very picture of intellectual force. Always a splendid fighter, he seemed this night like a gladiator who contended against great odds ; for while he was backed by thirty-seven Senators, among his fourteen opponents were the ablest men of the Senate, and their arguments must be answered if he expected to ride out the storm which had been raised against him. Never in the United States, in the arena of debate, had

a bad cause been more splendidly advocated ; never more effectively was the worse made to appear the better reason.

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" Douglas spoke until daybreak, and the crowd remained to hear the last words of the giant, who seemed to exult in his strength and who was flushed with victory. Senator Houston explained why he could not consent to a violation of the Missouri Compromise ; and then the vote was taken."—Rhodes, vol. i., pp. 470, 471-475.

The first introductory parts of Douglas' speech, omitted from our text, consisted of remarks in answer to Senator Bell, of Tennessee, on the subject of the Indian rights and treaties, and on the proposed limits of the two Territories.

3. In a brief omission here Douglas refers to an argument advanced by Senator Smith, of Connecticut, that the few people who were in the Territories under discussion were there " in violation of certain old acts of Congress which forbade the people to take possession of, and settle upon, the public lands until after they should be surveyed and brought into the market." It was enough for Douglas that the people were there and that they were our own people.

4. Referring to the Independent Democratic Appeal and his speech of January 30th.

5. Was the abrogation of the Missouri restriction the " main object and aim " of the bill ? Is it not the feature of historic importance ? If the measures of 1850 had superseded that of 1820 was it necessary to say so in a public act in 1854 ? If there had been no specific repeal, or assertion in 1854, what would have been the status of slavery in the Territory in question ?

6. Was this the question which Chase had raised? Did Chase charge this? Does Douglas' ingenious parry fairly meet the issue? Does Douglas proceed to answer Chase's charge by substituting a new charge and answering that?

7. In the passages omitted here Douglas reviews his own record and position on the compromise debates of 1850, to show that he had advocated the principle of non-intervention that year, both in Congress and out. He quotes resolutions of the Illinois Legislature to show that the principle was understood and accepted in his State and was to be applied without limitation in the Territories of the United States.

8. Was this true? See Note 9 on Chase's speech; and Note 5 on the speech of Everett.

9. Badger's amendment was in these words: "Provided, that nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of the 6th of March, 1820, either protecting, establishing, prohibiting, or abolishing slavery."

Attention had been called to the fact that under French rule, slavery existed by law in all the Louisiana Territory prior to the restrictive compromise act of 1820. If the restrictive act of 1820 were repealed, would the status under French law be restored? That is, would the Kansas-Nebraska act, repealing the Missouri restriction, restore the French law protecting slavery in this territory? Was there ground for the fear that it was the purpose of the bill to legislate slavery into the Kansas-Nebraska territory? Badger's amendment was for the purpose of removing this fear and to provide that the repealing clause should not put in force any earlier law on slavery.—See Von Holst, 1850-54, p. 345.

10. In the omitted passage Douglas arraigns Sumner and Chase for asserting that the first bill and report (of January 4th)

did not contemplate the repeal of the Missouri Compromise and that he (Douglas) could not be brought to that point until after Dixon had offered his amendment. Douglas says that these statements are refuted by the Independent Democratic Appeal which Sumner and Chase both signed. "If the statements of this document be true," says Douglas, "that the first bill did repeal the eighth section of the Missouri act, what are we to think of the statements in their speeches since, that such was not the intention of the committee—was not the recommendation of the report, and was not the legal effect of the bill? On the contrary, if the statements in their subsequent speeches are true, what apology do those Senators propose to make to the Senate and country for having falsified the action of the committee in a document over their own signatures, and thus spread a false alarm among the people, and misled the public mind in respect to our proceedings? These Senators cannot avoid the one or the other of these alternatives."

11. This refers to the opposition of the North to the objectionable clause in Missouri's Constitution, which gave rise to the third struggle over Missouri's admission.—See *Historical Note*, vol. ii., p. 350.

12. At this point Douglas was drawn into a colloquy with Seward and Sumner on the character of the Missouri Compromise, whether or not it was in the nature of a compact, Douglas contending that if it were a compact the North had been the first to violate it. As evidence, he brings up the Northern refusal to admit Missouri under the Constitution which she had formed and the proposition, made by Mr. Mallory, of Vermont, in the House of Representatives, February 12, 1821, to admit Missouri on condition that she prohibit slavery. Sixty-one Northern men voted for this condition to thirty-three against it,—eleven months after the Missouri Compromise act was passed.

13. In the omitted passage Douglas continues at length to show that the breach of the compact came from the North. He and Seward engaged in a long colloquy as to the character of the acts admitting Missouri and the obligations under them. Douglas labors long to show that the act of 1820 was not a compact, and to call it such was "to charge the Northern States of this Union with an act of perfidy unparalleled in the history of legislation or of civilization."

14. In the passage omitted—a page of the *Globe*—Douglas engages in running discussion with Seward and Sumner, partly on personal matters, partly on the compact character of the Missouri act.

15. The omission contains a colloquy between Douglas and Seward as to Clay's agency in the compromises of 1820 and 1821, Douglas emphasizing the charge that it was after the North had repudiated the compromise of 1820 that Clay had secured the later compromise of 1821. Douglas refers to Clay's disclaimer made in his speech of February 6, 1850, in which Clay said that "nothing struck him with so much surprise as the fact that historical circumstances soon passed out of recollection; and he instanced as a case in point the error of attributing to him the act of 1820." To this passage from Douglas, Seward nodded assent.

16. See Note 4 on Everett's Speech.

17. At this point Everett enters into controversy with Douglas as to the intent and purport of Webster's words in 1850. Everett still adhered to his interpretation of Webster's meaning. Everett says: "That this is the correct interpretation of Mr. Webster's language, is confirmed by the fact that he said, more than once, and over again, that all the North lost by the arrangement of 1850, was the non-imposition of the

Wilmot proviso upon Utah and New Mexico. If, in addition to that, the North had lost the Missouri restriction over the whole of the Louisiana purchase, could he have used language of that kind, and would he not have attempted, in some way or other, to reconcile such a momentous fact with his repeated statements that the measures of 1850 applied only to the territories newly acquired from Mexico."

Everett then quotes Webster's later speech of July 17, 1850, clearly sustaining his interpretation. Douglas does not satisfactorily answer Everett upon this point, but he turns the discussion into another direction, still, however, claiming Webster in support of his policy of non-intervention. Rhodes says on this point: "In the course of his speech, Douglas took up Everett's argument, and showed by the construction he put upon Webster's 7th of March speech that he could twist the language of the clearest of speakers to his purpose as well as he could distort the facts of history."

After the colloquy with Everett, Douglas turns to answer Wade, who had referred to the fact that Douglas himself in 1845 and 1848, when the questions of Texas and Oregon were up, had urged the extension of the Missouri Compromise line to the Pacific. Douglas then takes up more than a page of the *Globe* in reviewing the Oregon and Texas debates and his own record on those subjects. The debate then turned on personal matters as to whether Chase and Sumner had come to the Senate as the result of "corrupt bargains or dishonorable coalitions,"—a digression caused by an insinuation of Douglas and a remark by Senator Weller, of California. The debate brought out the circumstances leading to the election of Chase to the Senate. See Appendix, *Congressional Globe*, vol. xxix., pp. 335, 336, 1st Sess. 33d Congress.

18. Douglas then quotes the instructions of several Colonies to their delegates in the Continental Congress, when authoriz-

ing them to vote for the Declaration of Independence. These generally provided that the internal concerns and policy of each Colony should be left to the people of the respective Colonies. Douglas considered this a precedent for his policy of leaving to the people of the Territories the "determination and regulation of their own domestic institutions in their own way."

19. What is the refutation of this proposition? Is there a distinction between Congressional power in the Territories and Congressional power in the States? Suppose Douglas were asked whether the people of a Territory might establish a monarchy? or an aristocracy? or polygamy? Lincoln asked such questions in the Lincoln-Douglas debates. The only limitation which Douglas proposed to impose on the people of a Territory was that their policy and institutions should be "subject to the Constitution of the United States."

20. Does this recital state the position, or contention, of any of Douglas' opponents?

21. Does the sequel prove the truth of Douglas' statement? Was not just the reverse of this the case? Could Douglas have believed that the result would be as he states?

22. This insinuation refers to the circumstances attending Chase's election to the Senate. See Note 16.

23. For interesting characterizations of Douglas see Rhodes' *History of the United States*, vol. i., pp. 474, 492, 477; Schouler's *History of the United States*, vol. v., p. 283. Von Holst's *Constitutional History of the United States, 1850-1854*, p. 303.

CHARLES SUMNER.

1. For a sketch of Sumner, see vol. ii., p. 420.

2. On January 24, 1856, President Pierce submitted to Congress a special message on the affairs of Kansas. In this message he recited in substance the following facts: The Kansas-Nebraska bill became a law May 30, 1854, and the race began between the Slave States and the Free for the possession of Kansas. The first Territorial Governor of Kansas, Andrew H. Reeder, of Pennsylvania, received his commission on June 29, 1854, but he did not arrive in Kansas until October 9th of that year. The first election for a Territorial Legislature was held on March 30, 1855, the delay being caused in providing for the authorized census and enumeration. The Legislative Assembly elected on March 30th, did not meet until July 2, 1855, and thus for one year after the Kansas-Nebraska bill was passed Kansas was without a complete government, without legislative authority, without the ordinary guarantees of peace and public order. On November 29, 1854, before the requisite preparation was made for the election of a Territorial Legislature, a delegate to Congress was elected, Whitfield, who took his seat without challenge. After the election of the Legislature in March, the Governor officially received and considered the returns; declared a large majority of the Council and House of Representatives "duly elected," and "thus complete legality was given to the first Legislative Assembly of the Territory"; and President Pierce concluded that it was too late now to raise the question of irregularities in the election, and that the body must be recognized as the legitimate Assembly of the Territory. This message was calculated to make a favorable representation of the pro-slavery party and their cause in Kansas, and Pierce concluded by recommending that Congress should pass an enabling act for the admission of Kansas.

As might be expected, this message of Pierce was entirely unsatisfactory to the anti-slavery, or free-State, party in Kansas. There had been strife, disorder, and war in Kansas. In the election for delegate to Congress, which had been held in November, 1854, and for the Territorial Legislature in March, 1855, there had been fraud, violence, and incursions of border ruffians from Missouri. The free-State men refused to recognize the validity of the Territorial Legislature referred to by Pierce, denied that its acts were binding; and they organized a counter government. The free-State party met in Convention at Topeka, October 23, 1855, formed a free-State Constitution, and submitted this to the people on December 15th, the same year. On January 5, 1856, at a free-State election Robinson was elected Governor of the State and the free-State men proceeded to make formal application, by petition presented February 26, 1856, for admission into the Union under the Topeka Constitution. While this party was not acting under the forms of law—the legal machinery of the Territory having come into the hands of their opponents by violence and fraud—they undoubtedly represented the majority of the people of the Territory. It was Pierce's policy to resist the free-State cause, and on February 11, 1856, he issued a proclamation against the Topeka movement, with intent to place on the side of the Territorial Government and the pro-slavery party, the whole force of the United States Government.

On March 12, 1856, Senator Douglas, Chairman of the Committee on Territories, to which Pierce's message of January 24th had been referred, presented to the Senate a long and formal report on the affairs of Kansas. This report denounced the Emigrant Aid Society which had been formed to promote anti-slavery migration to Kansas, held the Territorial Legislature to be legal and its acts binding, and denounced the Topeka movement as in defiance of the authority of Con-

gress. Senator Collamer presented a minority report. He held the Topeka movement to be the only source of relief against fraud and usurpation, and "thus far this effort for redress is peaceful, constitutional, and right." Collamer recommended the repeal of the Kansas-Nebraska bill, thus restoring the Missouri restriction of 1820.

On March 17th, Douglas introduced a bill in harmony with his report, and on the 20th of March he made a notable speech covering the affairs of Kansas. This is one of Douglas' ablest speeches and the student would do well to consider it in connection with this speech of Sumner's. The bill of Douglas', which was pending in the Senate when Sumner spoke, May 19 and 20, 1856, provided :

"That, whenever it shall appear, by a census to be taken under the direction of the Governor, by the authority of the Legislature, that there shall be 93,420 inhabitants (that being the number required by the present ratio of representation for a member of Congress) within the limits hereafter described as the Territory of Kansas, *the Legislature of said Territory shall be, and is hereby, authorized to provide by law for the election of delegates* by the people of said Territory, to assemble in Convention and form a Constitution and State Government, preparatory to their admission into the Union on an equal footing with the original States in all respects whatsoever, by the name of the State of Kansas."

Subsequently Senator Seward moved a substitute providing for the immediate admission of Kansas under the Topeka Constitution. These propositions provided the subject for the notable Congressional debate on Kansas affairs in the spring of 1856.

The editor of Sumner's works says :

"This speech found unexpected audience from an incident which followed its delivery. It became a campaign docu-

ment in the Presidential election then at hand, and was circulated by the hundred thousand. Besides reprints in newspapers, there were large pamphlet editions in Washington, New York, Boston, and San Francisco. Editions appeared in German and Welsh. It was reprinted in London, in a publication by Nassau W. Senior, the eminent publicist and economist, entitled *American Slavery: A Reprint of an Article on Uncle Tom's Cabin in the Edinburgh Review*, and of Mr. Sumner's Speech of the 19th and 20th of May, 1856."

At the period of its delivery an intense excitement prevailed throughout the country. At the North there was a deep sense of wrong, with indignation at the pretensions of the Slave Power, yearning for a voice in Congress that should speak out the general sentiment.—Sumner's *Works*, vol. iv., p. 127.

3. This omission consists of a few introductory words on the character of the subject before him and the purpose of his speech. Sumner outlines his subject under three heads: 1. *The Crime Against Kansas*. 2. *The Apologies for the Crime*. 3. *The True Remedy*.

4. Sumner addresses himself to the charge of fanaticism, and he then replies briefly to the charge from Senator Butler and other Southerners that the North had been the first and chief offender in the early slave trade, that the South had received their slaves from Northern dealers. Sumner further rejoined that "the Northern merchants who catered for slavery in the years of the slave trade are lineal progenitors of the Northern men, with homes in these places, who lend themselves to slavery in our day. It is true, too true, alas, that our fathers were engaged in this traffic; but that is no apology for it. Let us not follow the Senator from South Carolina to do the very evil which in another generation we condemn."

5. Sumner now proceeds to describe the *Crime Against Kansas*. This, he considers, consists in the fraudulent repeal

of the time-honored compromise of 1820, and the forcible introduction of slavery into the Territory. He exposes the fallacy and weakness in the doctrine of popular sovereignty and describes the disorders, invasions and troubles in Kansas. He then proceeds to incorporate into his speech extracts from letters and public utterances, as evidence of the spirit and purposes of the pro-slavery party and of the usurpation and wrongs of which the pro-slavery invaders of Kansas had been guilty. He proceeds then to the second part of his Speech, and reviews at length the *Apologies for the Crime*. These apologies he denounces as *tyrannical, imbecile, and infamous*. He then proceeds to discuss the remedies proposed.

6. It was this passage, chiefly, which provoked the assault of Brooks. The passage was certainly in bad taste and shows personal offensiveness, if not coarseness. Rhodes says in this connection :

"A careful perusal of Butler's remarks, as published in the *Congressional Globe*, fails to disclose the reason of this bitter personal attack. His remarks were moderate. He made no reference to Sumner. His reply to Hale, though spirited, was dignified, and did not transcend the bounds of a fastidious parliamentary taste. Yet it must be said that his defence of Atchison, which to-day reads as a tribute to a generous, though rough and misguided man, was very galling to an ardent friend of the free-State party of Kansas, such as Sumner. Butler was a man of fine family, older in looks than his sixty years, courteous, a lover of learning, and a jurist of reputation. He was honored with the position of chairman of the Senate judiciary committee. When Sumner first came to the Senate, although he was an avowed Free-soiler, the relations between him and Butler were friendly ; they were drawn together by a common love of history and literature. When he made his speech on the Kansas-Nebraska bill, Butler paid him a well-chosen compliment at which he expressed his gratifica-

tion. In June, 1854, however, the two had a very warm discussion in the Senate on the Fugitive Slave law, growing out of the rendition of Burns, in which Butler replied to Sumner's forcible remarks with indignation. Afterwards Butler sent him word that their personal intercourse must be entirely cut off. The only reason which the South Carolina senator could assign for the present personal attack was that Sumner's vanity had been mortified from thinking that he did not come out of the controversy of 1854 with as much credit as he ought, and this was his opportunity for retaliation.

"But no one understanding Sumner's character can accept this as an explanation. There was nothing vindictive or revengeful in his nature. Besides, he was too much wrapped up in his own self-esteem to give more than a passing thought to a social slight from a slave-holding senator, even though he were a leader in the refined and cultivated society of Washington. Sumner's speech seems excessively florid to the more cultivated taste of the present; he might have made a more effective argument, and one stronger in literary quality without giving offence. The speech occasioned resentment not so much on account of severe political denunciation, as on account of the line of personally insulting metaphor. Yet he did not transgress the bounds of parliamentary decorum, for he was not called to order by the President or by any other senator. The vituperation was unworthy of him and his cause, and the allusion to Butler's condition while speaking, ungenerous and pharisaical. The attack was especially unfair, as Butler was not in Washington, and Sumner made note of his absence. It was said that Seward, who read the speech before delivery, advised Sumner to tone down its offensive remarks, and he and Wade regretted the personal attack. But Sumner was not fully "conscious of the stinging force of his language." To that, and because he was terribly in earnest, must be attributed the imperfections of the speech. He

would annihilate the slave power, and he selected South Carolina and her senator as vulnerable points of attack."
—Rhodes' *History of the United States*, vol. ii., pp. 135-137.

7. The agent of Kansas referred to was Hon. James H. Lane, afterwards United States Senator from Kansas.

8. See Douglas' speech of March 20, 1856, p. 288, *Congressional Globe*, Appendix, 1st Sess., 34th Congress.

9. "Truth forever on the scaffold, wrong forever on the throne ;

Yet that scaffold sways the future, and behind the
dim unknown

Standeth God within the shadow, keeping watch
above His own."

—From Lowell's *The Present Crisis*.

10. In this omission Sumner praises Kansas for her devotion to liberty and he predicts defeat for the attempt to impose slavery upon the Territory. The tyranny of slavery will be overthrown. The contest involves not only liberty for Kansas but for the whole country.

11. At the close of Sumner's speech Senator Cass, of Michigan, addressed the Senate. He said : " I have listened with equal regret and surprise to the speech of the honorable Senator from Massachusetts,—such a speech—the most un-American and unpatriotic that ever grated on the ears of the members of this high body—as I hope never to hear again here or elsewhere." Cass then spoke at some length in answer to Sumner's use of the case of Michigan as a precedent for the admission of Kansas. Douglas followed Cass.

12. Douglas spoke at some length—his speech occupying more than a page of the *Globe*—in an attack upon Sumner. He recalled the debate on the fugitive slave law in 1854 and

Sumner's reply, when asked whether he recognized the obligation to return a fugitive slave, "Is thy servant a dog that he should do this thing?"—See Sumner's *Works*.

13. In this omission Douglas repels Sumner's attack on General Atchison, formerly a Senator from Missouri, whom Douglas eulogizes.

14. After Douglas closed, Senator Mason, of Virginia, spoke. He denounced Sumner in violent language. Among other things he said: "The necessity of political position alone brings me into relations with men upon this floor whom elsewhere I cannot acknowledge as possessing manhood in any form. I am constrained to hear here depravity, vice in its most odious form uncoiled in this presence, exhibiting its loathsome deformities in accusation and vilification against the quarter of the country from which I come; and I must listen to it because it is a necessity of my position, under a common government, to recognize as an equal, politically, one whom to see elsewhere is to shun and despise." Mason then defends the "slave power" which had been so vehemently attacked, as "the moral power of truth; adherence to the obligations of honor, and the dispensation of those charities of life that enable the nature of man."

15. Sumner here quotes further from the debates of 1854.—See Sumner's *Works*, vols. iii. and iv.

16. Sumner here makes a remark in reply to Mason. "I simply say to him, that hard words are not arguments; frowns not reasons; nor do scowls belong to the proper arsenal of parliamentary debate."

18. In discussing this speech Rhodes says: "These citations, therefore, will give an idea of his extravagant statements as well as of his turgid rhetoric; and they show the license which he allowed himself in the use of words when wrought

up on the subject of slavery. It is the speech of a sincere man who saw but one side of the question, whose thought worked in a single groove, and worked intensely. 'There is no other side,' he vehemently declared to a friend.

"Sumner's speech added nothing of legal or political strength to the controversy. The temperate arguments of the senators who preceded him were of greater weight. But the speech produced a powerful sensation. The bravery with which he hurled defiance toward the South and her institutions challenged admiration. Before this session, on one occasion when he was delivering a fierce invective, Douglas said to a friend: 'Do you hear that man? He may be a fool, but I tell you that man has pluck. Nobody can deny that, and I wonder whether he knows himself what he is doing. I am not sure whether I should have courage to say those things to the men who are scowling around him.' But Sumner knew not fear; and his sincerity was absolute. His speech was prepared with care. To write out such a philippic in the cool seclusion of the study, and deliver it without flinching, was emphasizing to the Southerners that in Sumner they had a persistent antagonist whom the fury of their threats could not frighten."—Vol. ii., pp. 133, 134.

For other interesting comments on Sumner and this speech, see Sumner's *Works*, vol. iii.; Schouler; Von Holst; Richardson's *American Literature*, vol. i., pp. 252-4.

PRESTON S. BROOKS.

We add in the text the speech of Brooks in the House of Representatives after the majority, though not the necessary two-thirds, had voted for his expulsion.

Preston S. Brooks was born in Edgefield District, South Carolina, August 10, 1819; graduated at the College of South

Carolina in 1839; studied law, and was admitted to the bar in 1843; served in the Mexican War as a Captain of South Carolina Volunteers; served in Congress from South Carolina from 1853 until his death in 1857. He became notorious from his assault on Sumner.

JUDAH P. BENJAMIN.

1. Judah Philip Benjamin was born in St. Croix, West Indies, August 11, 1811. His parents were English Jews who sailed from England in 1811 to settle in New Orleans. The mouth of the Mississippi being blockaded by the British fleet, they landed for a time at St. Croix. Benjamin's boyhood was spent in Wilmington, North Carolina. He entered Yale College in 1825, but left three years later without receiving his degree. He studied law in New Orleans in a notary's office and was admitted to the bar in 1832. He was a diligent student, and in 1834 he published a "Digest of Reported Decisions of the Supreme Court of the Territory of Orleans and of the Supreme Court of Louisiana." In politics, Benjamin was a Whig. He was a member of the State Convention for the revision of the Constitution in 1845; a presidential elector on the Whig ticket in 1848. He served in the United States Senate from March 4, 1853, until he resigned to cast his fortune with the Confederacy, February 21, 1861. He was re-elected to the Senate in 1859 as a Conservative. During his senatorial career he occupied a pronounced proslavery position. He supported Douglas in the Kansas-Nebraska bill, but he afterwards contended that the principle of popular sovereignty contended for by Douglas had been set aside by the Dred Scott decision which Benjamin held should be considered conclusive. As an advocate of the legal claims of slavery he was without a superior, probably without an

equal, in the Senate. His position in this regard drew from Senator Wade the sarcastic remark that Benjamin was a Hebrew with Egyptian principles. On the formation of the provisional government of the Confederate States Benjamin was appointed Attorney-General; in August, 1861, he was transferred to the War Department. Accused of incompetency and neglect he resigned this position but was immediately appointed Secretary of State, which position he held until the overthrow of the Confederacy. He had the reputation of being "the brains of the Confederacy;" he was an indefatigable worker and all work not obviously belonging to other departments was referred to him. After the fall of Richmond he fled from the country, escaping by open boat from Florida to the Bahamas. He reached Liverpool in the fall of 1865, and began the study of law in London in 1866. In 1868 he published a "Treatise on the Law of Sale of Personal Property," now an authority on English law. In 1872 he was made Queen's counsel and his practice became as remunerative as that of any lawyer in England. He died in Paris, May 3, 1884.

2. This speech by Benjamin, delivered in the United States Senate, March 11, 1858, was on Senate Bill No. 161, providing for the admission of Kansas under the Lecompton Constitution. President Buchanan's regular message of December, 1857, endorsing and supporting the Lecompton policy for Kansas, was referred to the Committee on Territories. Senator Douglas, who had antagonized the administration's Lecompton policy, was displaced from the chairmanship of this committee, and Senator Green of Missouri, his successor, brought in the Lecompton Kansas bill on February 18, 1858. Green called up the bill on February 24, when March 1 was set for its consideration. On the latter date Senator Green opened the debate and for several consecutive weeks there-

after the Lecompton bill and other aspects of the Kansas question occupied the attention of the Senate. Preceding the speech of Benjamin, Senator Polk of Missouri, had entered into a long discussion of the subject. The debate opened up all aspects of the slavery question and the leading senators delivered elaborate speeches on the subject. The speech of Douglas in December, 1857, in which he first publicly denounced the administration's Lecompton policy, and that of Seward's in March, 1858, in which he charged collusion in the Dred Scott decision, are especially notable. The speech of Benjamin was one of the best on the Southern side and it is historically valuable as one of the defenses of the doctrine of the right of property in slaves.

3. Benjamin here reviews the settlement of the Colonies, and the introduction of slavery. He shows that before any permanent settlement was effected in the Colonies the Slave Trade was recognized and supported by the law of Great Britain. He referred to repeated enactments of Parliament designed to make this Trade free and secure to British subjects.

4. This refers to the Act of Emancipation in the British West Indies.

5. Benjamin quotes from the decision of Lord Stowell to the effect that slavery was the creature of custom not of law, and that when it was asserted that an evil custom must be abolished it had yet to be proven that, even in the consideration of England, slavery is considered an evil custom in the Colonies. It has been supported in the Colonies by laws, treaties and Court decisions, and while so supported it would be too strong to apply the maxim, *malus usus abolendus est*.

6. Benjamin proceeds at length to show that in Colonial times slavery was the common, recognized institution of the

new world, following the well established policy of the states of Europe. The legislation of all the continental powers was the same on this subject and all of them recognized Colonial slavery. He discusses recent villeinage in England to show that white slavery was the common law of England down to James II., and that white slavery did not disappear from France until 1779. His purpose is to show that the common law of the Colonies as to slavery, as it was understood and recognized in our earlier history, had not changed at the time of the Declaration of Independence and the adoption of the Constitution.

7. In the omission Benjamin contends that the compromises of the Constitution clearly recognized the right to slave property. The Fugitive slave clause was to guarantee the South the possession of its slaves against an application of the principle declared by Mansfield; while the permission to abolish the slave trade after 1808 was to guarantee the North against an undue disturbance of the representative basis by importation of slaves.

8. Collamer then quotes Justice Nelson to the effect that no State, or nation, can affect or bind property out of its own territory; or enact laws to operate beyond its own dominion.

9. Benjamin here touches the vital point in the whole slavery controversy. Were the public conscience and the public judgment, as expressed in the public law of the nation, ready to recognize the right of the master to his slave as resting on the "same principles of eternal justice" which gave the owner the right to his horse, the inventor to his discovery, and the poet to his inspiration? Was the nation ready to place property in man on the same basis as any other recognized undoubted forms of property? In the last resort this was the issue upon which conflict was joined.

10. Benjamin continues his speech using Supreme Court decisions to show that the Constitution of the United States recognizes property in slaves. He quotes Justice McLean, one of the dissentient justices in the Dred Scott case, in the case of *Prigg vs. Pennsylvania*, to the effect that the right of the master was guaranteed by the Constitution. He reviews the Dred Scott decision, criticising the dissenting justices for sending forth a minority opinion "to forestall the public judgment and to undermine popular confidence in the integrity of the judiciary; and he examines at length the right of the Court to give its opinion on the merits of the Dred Scott case after having decided the cause and pronounced the *decision* on the point of law at issue in the case. He eulogizes Taney and defends him against attacks from Hamlin and against the charge of collusion preferred by Seward. He then turns to the question immediately before the Senate—the admission of Kansas under the Lecompton Constitution—reviews affairs in Kansas and attempts to justify the Lecompton scheme as against the party in Kansas favoring the Topeka Constitution.

ABRAHAM LINCOLN.

1. The full story of Abraham Lincoln's life embraces a history of the Civil War in America and a large part of the controversy leading to that war. Knowledge of his career is so extensive and the sources of information concerning him so numerous that it is not necessary to give an extended sketch here.

The compiler of the *Dictionary of Congress* states that while preparing that work for publication, in 1858, he sent to Mr. Lincoln the usual request for a sketch of his life, and received the following reply :

" Born February 12, 1809, in Hardin County, Kentucky.

" Education defective.

" Profession, a lawyer.

" Have been a captain of volunteers in Black Hawk War.

" Postmaster at a very small office.

" Four times a member of the Illinois legislature, and was a member of the lower house of Congress.

" Yours, etc.,

" A. LINCOLN."

Among other facts of Lincoln's life, not included in this modest autobiography, we may notice that he removed to Indiana with his father's family in 1816, and to Illinois in 1830 ; that for several years he followed the various occupations of flat-boatman, laborer, salesman, merchant, surveyor ; he was admitted to the bar in 1836, and began the practice of law in Springfield in 1837 ; he was a Whig member of the Illinois Legislature, 1834-42 ; was a Whig member of Congress from Illinois, 1847-49. The joint debate with Douglas in 1858 called him to the attention of the country and was influential in leading to his nomination for the presidency by the Republican party in 1860. His subsequent life is too well known to need further notice here. Among the sources for the study of Lincoln may be named : Hay and Nicolay's *Life of Lincoln* ; Herndon's *Life of Lincoln* ; Barrett's *Life and Services of Lincoln* ; Arnold's *Life of Lincoln* ; Morse's *Life of Lincoln* ; McClure's *Early Life of Lincoln* ; Holland's *Life of Lincoln* ; *Complete Works of Lincoln*, in two volumes, edited by Hay and Nicolay ; Van Buren's *Lincoln's Pen and Voice* ; Brooks' *Life of Lincoln* ; Lamon's *Recollections of Lincoln*.

2. The Dred Scott decision was rendered by Chief-Justice Taney on March 6, 1857. Its importance lay, not in the decision of the cause before the Court, but in the opinions of the majority of the Court upon constitutional and political ques-

tions which were agitating the public mind. These opinions of the Court involved the following points :

1. A denial of the legal existence of the African race as persons.

"Can a negro whose ancestors were imported into this country and sold as slaves become a member of the political community formed and brought into existence by the Constitution of the United States, and as such become entitled to all the rights and privileges and immunities guaranteed by that instrument to the citizen?" The Court said, No. Negroes were not intended to be included under the word "citizens." as used in the Constitution; and in the opinion of the Court, by the language used in the Declaration of Independence it was not intended to include slaves, or their descendants, in the words of that memorable instrument.

See Note 5 on Seward's Irrepressible Conflict Speech, p. 391.

2. A denial of the right of Congress to prohibit slavery in a Territory.

By this opinion the right of property in slaves was distinctly affirmed. No distinction could be recognized between slave property and other property. "The right of property in a slave is distinctly and expressly affirmed in the Constitution. No word can be found in the Constitution which gives Congress a greater power over slave property or which entitles property of that kind to less protection than property of any other description."

3. It followed from this, as a corollary, that the anti-slavery restriction of the Missouri Compromise "is not warranted by the Constitution, and is therefore void."

It will be seen that this decision effectually disposed of the Douglas doctrine of popular sovereignty. If Congress could not prohibit slavery in a Territory it was clear that a Territorial

Legislature, a mere creature of Congress, could not. How Douglas attempts to reconcile his doctrine with the decision is seen in his Freeport speech. See p. 187. Soon after the decision was published Douglas made a speech in Springfield, Illinois, June 12, 1857, in which he eulogized Taney and the Court, defended the decision and represented the Republican opposition to the decision as "lawless violence." He said: "If, unfortunately, any considerable portion of the people of the United States shall so far forget their obligations to society as to allow partisan leaders to array them in violent resistance to the final decision of the highest judicial tribunal on earth, it will become the duty of all the friends of order and constitutional government, without reference to past political differences, to organize themselves and marshal their forces under the glorious banner of the Union, in vindication of the Constitution and the supremacy of the laws over the advocates of faction and the champions of violence. . . . Whoever resists the final decision of the highest judicial tribunal aims a deadly blow at our whole republican system of government,—a blow which, if successful, would place all our rights and liberties at the mercy of passion, anarchy, and violence. I repeat, therefore, that if resistance to the decisions of the Supreme Court of the United States,—in a matter like the points decided in the Dred Scott case, clearly within their jurisdiction as defined by the Constitution—shall be forced upon the country as a political issue, it will become a distinct and naked issue between the friends and the enemies of the Constitution—the friends and the enemies of the supremacy of the laws." *

Proceeding in his speech, Douglas attempted to reconcile the Court's decision with his doctrine of popular sovereignty, setting forth substantially the same view as that expressed in his Freeport speech. Of this attempt of Douglas, Hay and

* Sheahan's *Life of Douglas*, p. 283.

Nicolay's *Life of Lincoln* says: "It was a desperate expedient to shield himself as well as he might from the damaging recoil of his own temporizing statesmanship. The declaration made thus early is worthy of historical notice as being the substance and groundwork of the speaker's somewhat famous 'Freeport Doctrine,' or theory of unfriendly legislation, to which Lincoln's searching interrogatories drove him in the great Lincoln-Douglas debates of the following year. Repeated and amplified at that time, it became in the eyes of the South the unpardonable political heresy which lost him the presidential nomination, and caused the rupture of the Democratic National Convention at Charleston in the summer of 1860."

It was chiefly in answer to this speech of Douglas that Lincoln delivered the speech of our text, on June 26, 1857. The first part of the speech, which is omitted in the text, is taken up with matters of Utah and Kansas. Douglas had asserted that the people of Utah were in rebellion, and should be reduced to subjection,—they were defying the national authority as to polygamy. Lincoln agreed with Douglas on this point, but he regarded Douglas' position as a backdown from his doctrine of popular sovereignty, and he pressed on Douglas the pertinent question, "If the people of Utah shall peacefully form a state constitution tolerating polygamy, will the Democracy admit them into the Union?" Douglas evaded that question. As to Kansas, Lincoln discussed the question as to whether the free-State men had failed in their duty in not voting in the recent election there.

The full speech is found in Hay and Nicolay's edition of *Lincoln's Works*, vol. i., p. 226. For more ample study of the Dred Scott decision the sources are numerous. See Howard's *Opinions in the Dred Scott Case, Supreme Court Reports*; Hay and Nicolay's "Life of Lincoln," *Century Magazine*, June, 1887; G. T. Curtis' *Memoir of B. R. Curtis*; Tyler's

Memoir of Taney; Seward's speech in the Senate, March 3, 1858; Thayer's *Cases on Constitutional Law*, pp. 480-496; *New York Nation*, July 5, 1894; Rhodes', *U. S. Hist.*, vol. ii., p. 249, *et seq.*; Schouler's *U. S. Hist.*, vol. v., p. 376, *et seq.*

3 In the omission Lincoln calls to his support the precedent of Jackson's persistent opposition to the Second United States Bank,—an opposition continued after the decision of the Supreme Court which affirmed the constitutionality of the Bank. He quotes Jackson's well-known saying that each officer who takes an oath to support the Constitution swears that he will support it as he understands it, and not as it is understood by others." See note on Sumner's Speech on *The Fugitive Slave Law*, vol. ii., p. 429, *American Orations*.

4. Shields had been Douglas' Democratic colleague in the Senate, and Richardson, of Illinois, a leader of the Douglas forces in the House. Both had been defeated for re-election by the anti-Nebraska movement.

5. This is a celebrated passage from Lincoln, and it is probably as good a commentary on the celebrated maxim of the Declaration of Independence as can be found in our political literature.

Springfield Speech, June 17, 1858.

1. For sketch of Lincoln see p. 367.

2. This speech was delivered at Springfield, Illinois, June 17, 1858, at the close of the Republican State Convention. This Convention had nominated Mr. Lincoln as the Republican candidate for United States Senator. Mr. Douglas was not present. Although not delivered in joint debate with Douglas, this speech may be said to have inaugurated that famous series of discussions—the Lincoln-Douglas Debates—between the two great political rivals of Illinois, in the sum-

mer of 1858. Owing to public interest in the slavery question and to Douglas' prominence as a leader in the Democratic party, the local contest in Illinois assumed national importance and attracted the attention of the country. In 1854, when Lyman Trumbull was elected to the United States Senate to succeed General Shields, Lincoln had received the caucus nomination of the Whigs for United States Senator. But there were five Anti-Nebraska Democrats in the Legislature who would not vote for Lincoln nor for any other Whig, and Lincoln generously requested his Whig friends to vote for Trumbull and thus secure his election. Consequently, in 1858, when Douglas' re-election was pending, Lincoln was recognized by popular expectation as the logical candidate of the Republicans. The Convention ratified the popular choice. There was no one within the Democratic ranks to challenge the pre-eminence of Douglas, and he was accepted as the Democratic candidate. Douglas had lately broken with his party,—that is, with the party administration of Mr. Buchanan. The breach occurred over the Lecompton scheme. The Lecompton scheme involved the submission to the people of Kansas, by a pro-slavery convention, of a Constitution on which the people were allowed to vote: "For the Constitution with Slavery," or "For the Constitution without Slavery." In no case were the people allowed to vote against the Constitution, although it contained many objectionable features. It had been clearly promised that the Constitution should be fairly submitted to the people of Kansas. Douglas did not think it had been so submitted, and when Buchanan urged the adoption of the Lecompton Constitution, Douglas refused to give the policy his support, and boldly defied the administration. He made a powerful speech in the Senate on December 9, 1857, in which he stood by his principle of popular sovereignty for Kansas, denouncing the Lecompton scheme as "a trick, a fraud upon the rights of the

people." This course was calculated to win him support in the North among moderate opponents of slavery. Even a number of eastern Republicans were at first willing to see Douglas returned to the Senate from Illinois, as the best instrument of opposition to the slavery program, especially since the Southerners were denouncing him as a renegade and an apostate, and the administration Democrats were opposing him for re-election. Douglas seemed perfectly sincere—there is no evidence to the contrary—in his demand that there should be fair dealing with Kansas on his principle of popular control. In this connection Rhodes says: "The usual explanation of the course of Douglas is that, as his senatorial term would soon expire, and as a legislature would be chosen in 1858 to elect his successor, he saw clearly that if he espoused the Lecompton cause, he would surely be defeated. To insure his political life, therefore, it was necessary to oppose the scheme. This explanation is true as far as it goes, but it does not compass the whole subject nor the whole man. The course of Douglas had been such that men had lost faith in his political consistency and honesty; so it is not surprising that when he came to do a noble act, it was generally supposed that he did it from purely interested motives. But apart from politics Douglas was a man of honor; his word was as good as his bond, and he was true to his friends. He loved fair dealing, and this sentiment was outraged by the proceedings in Kansas; the honesty of his nature could not brook such a course.*

Such was the situation in 1858 with reference to Douglas. He had the advantage of prestige and position. He had a national reputation, while Lincoln's fame had hardly reached beyond his State lines; but no one knew better than Douglas Lincoln's ability to meet him in debate. Forney reports Douglas

* *History of the United States*, vol. ii., p.285.

as saying: "I shall have my hands full. He is the strong man of his party—full of wit, facts, dates, and the best stump speaker, with his droll ways and dry jokes, in the West. He is as honest as he is shrewd; and if I beat him my victory will be hardly won." *

Lincoln's speech of our text—the one of June 16th—was the key-note of the campaign, and it was intended as such. Hay and Nicolay say of it: "It was perhaps the most carefully prepared speech of his whole life. Every word of it was written, every sentence had been tested; but the speaker delivered it without manuscript or notes. It was not an ordinary oration, but, in the main, an argument as sententious and axiomatic as if made to a bench of jurists. Its opening sentences contained a political prophecy which not only became the groundwork of the campaign, but heralded one of the world's great historical events." †

3. It was chiefly this passage in Lincoln's speech which gave to it note and significance. The passage gave a name to the speech—the "house-divided-against-itself" speech. The same doctrine is here announced which Seward proclaimed in his "Irrepressible Conflict Speech," four months later. Seward's utterance attracted much more public attention than Lincoln's. Seward was the recognized leader of his party, and was looked upon as a political thinker and philosopher. Lincoln was comparatively unknown, and in the public estimation the weight did not attach to his words which they came to have subsequently. Of Lincoln's boldness and leadership in this utterance Rhodes says:

"No Republican of prominence and ability had advanced so radical a doctrine. Lincoln knew that to commit the party

* *Anecdotes of Public Men*, vol. ii., p. 179, cited by Rhodes.

† Hay and Nicolay, *Century Magazine*, July, 1887.

of his State to that belief was an important step, and ought not to be taken without consultation and careful reflection. He first submitted the speech to his friend and partner, Herndon. Stopping at the end of each paragraph for comments, when he had read, 'A house divided against itself cannot stand,' Herndon said: 'That is true, but is it wise or politic to say so?' Lincoln replied: 'That expression is a truth of all human experience, "A house divided against itself cannot stand." . . . I want to use some universally known figure expressed in simple language as universally well known, that may strike home to the minds of men in order to raise them up to the peril of the times; I do not believe it would be right in changing or omitting it. I would rather be defeated with this expression in the speech, and uphold and discuss it before the people, than be victorious without it.'

"When we consider Lincoln's restless ambition, his yearning for the senatorship, and his knowledge that he was starting on an untrodden path, there is nobility in this response. Two years before he had incorporated a similar avowal in a speech, and had struck it out in obedience to the remonstrance of a political friend. Now, however, actuated by devotion to principle, and perhaps feeling that the startling doctrine of 1858 would ere long become the accepted view of the Republican party, he was determined to speak in accordance with his own judgment. Yet as he wanted to hear all that could be said against it, he read the speech to a dozen of his Springfield friends, and invited criticism. None of them approved it. Several severely condemned it. One said it was 'a foolish utterance,' another that the doctrine was 'ahead of its time,' while a third argued that 'it would drive away a good many voters fresh from the Democratic ranks.' Herndon, who was an abolitionist, alone approved it, and exclaimed: 'Lincoln, deliver that speech as read, and it will make you President.'

"After listening patiently to the criticisms of his friends,

who ardently desired his political advancement, he told them that he had carefully studied the subject and thought on it deeply. 'Friends,' said he, 'this thing has been retarded long enough. The time has come when these sentiments should be uttered ; and if it is decreed that I should go down because of this speech, then let me go down linked to the truth—let me die in the advocacy of what is just and right.'"*

This notable utterance, however, was not calculated to attract votes to Mr. Lincoln in his immediate contest. The anti-slavery sentiment was not so strong in Illinois as in some other parts of the Union, and this passage was made the occasion of vigorous attacks by his opponents. It is interesting to notice how Douglas, with his usual adroitness, attempted to turn the passage to Lincoln's disadvantage. At Chicago, on July 9, 1858, Douglas replied to this speech of Lincoln. After complimenting Lincoln personally "as a kind, amiable, and intelligent gentleman, a good citizen and an honorable opponent," Douglas said :

"In other words, Mr. Lincoln asserts, as a fundamental principle of this government, that there must be uniformity in the local laws and domestic institutions of each and all the States of the Union ; and he therefore invites all the non-slaveholding States to band together, organize as one body, and make war upon slavery in Kentucky, upon slavery in Virginia, upon the Carolinas, upon slavery in all of the slaveholding States in this Union, and to persevere in that war until it shall be exterminated. He then notifies the slaveholding States to stand together as a unit and make an aggressive war upon the free States of this Union with a view of establishing slavery in them all ; of forcing it upon Illinois, of forcing it upon New York, upon New England, and upon every other free State, and that they shall keep up the war-

* *History of the United States*, vol. ii., pp. 315, 316.

fare until it has been formally established in them all. In other words, Mr. Lincoln advocates boldly and clearly a war of sections, a war of the North against the South, of the free States against the slave States—a war of extermination—to be continued relentlessly until the one or the other shall be subdued, and all the States shall either become free or become slave.” *

Douglas then proceeded to argue that the framers of the government never deemed it possible nor desirable that there should be uniformity in local institutions and domestic regulations of the different States of the Union.

Lincoln replied to Douglas at Chicago, July 10, 1858, protesting against the interpretation which Douglas had put on the Springfield speech. At Bloomington, on July 16, 1858, Douglas restates the same interpretation. Lincoln answers again in the joint debates. The student is referred to the *Lincoln-Douglas Debates*.

4. See the speech of Chase, p. 3, and reply of Douglas, p. 50.

5. This notable expression of Douglas was used in his famous speech on the Lecompton scheme, December 9, 1857.—See *Congressional Globe*.

6. Stephen A. Douglas, Franklin Pierce, Roger B. Taney, James Buchanan.

The charge of collusion between the Executive and the Judiciary,—between Buchanan and Taney,—had been previously made by Seward, in a celebrated speech in the Senate, March 3, 1858, on the Lecompton Constitution.—See the *Congressional Globe* of that date, and Seward's *Works*, vol. iv.

The charge of collusion is not sustained by any evidence. On this point Rhodes says :

* *Lincoln-Douglas Debates*, p. 9.

"The only evidence for the charge of Seward lay in the statement of the President in his inaugural, that the question as to the time when people of a territory might exclude slavery therefrom was pending before the Supreme Court, and would be speedily settled. Undoubtedly Buchanan then knew what would be substantially the decision of the court on the territorial question, but so did a thousand other men." . . .

"Other Supreme Court decisions have leaked out. Judges have confidential friends; and the truth is sometimes told by the pronouncing of some doubtful phrase or by an ambiguous giving-out. But, however Buchanan got his intelligence, his character and that of Taney are proof that the chief-justice did not communicate the import of the decision to the President-elect. That either would stoop from the etiquette of his high office is an idea that may not be entertained for a moment; and we may be sure that with Taney's lofty notions of what belonged to an independent judiciary, he would have no intercourse with the Executive that could not brook the light of day." . . .

"Taney was so incensed at the speech of Seward that he told Tyler, who was afterwards his biographer, that had Seward been nominated and elected President in 1860 instead of Lincoln, he would have refused to administer to him the oath of office."

"The contrast between Seward and Lincoln may be seen in their different treatment of this matter. The tact of Lincoln is shown in making the charge by intimation and by trenchant questions; then, with humor and exquisite skill, giving a homely illustration which struck the popular mind so forcibly that the notion conveyed by it undoubtedly became the belief of the Republican masses as long as the Dred Scott decision remained a question of politics." . . .

"As politics go, the argument of Lincoln was perhaps allowable."

For further information on this topic, see Seward's Speech, March 3, 1858; Rhodes' *History of the United States*, vol. ii., pp. 268-271; Curtis' *Life of Buchanan*, vol. ii., p. 207; Tyler's *Memoir of Taney*; Benjamin's Speech in the Senate, March 11, 1858, in which he replies to Seward. Douglas also indignantly denied the charge of collusion. What Buchanan had to say may be seen in Curtis' *Life of Buchanan*.

7. Mace was a Democratic Representative from Indiana, who opposed the Nebraska bill.—See his speech in the *Congressional Globe*.

8. Was this a political probability, or was it said for political effect?

9. This refers to Douglas' quarrel with the Buchanan administration and his vote against the Lecompton Constitution.

10. Lincoln's appeal in his peroration to entrust the anti-slavery cause to none but its undoubted friends was inspired by the fact that many Republicans of national prominence seemed willing to see Douglas re-elected, on account of the stand he had taken in the Lecompton matter. The following is from Hay and Nicolay: "Greeley, in the *New York Tribune*, as well as in private letters, made no concealment of such a desire. Burlingame, in the House of Representatives, called upon the young men of the country to stand by the Douglas men. It was known that Colfax and other influential members of the House were holding confidential interviews with Douglas, the object of which it was not difficult to guess. There were even rumors that Seward intended to interfere in his behalf." *

* "Life of Lincoln," *Century Magazine*, July, 1887.

STEPHEN A. DOUGLAS.

1. For sketch of Douglas, see p. 345.

2. This speech is a selection from the famous joint debates between Lincoln and Douglas, being Douglas' reply to Lincoln at Freeport, August 27th. Lincoln's reply to Douglas at Alton is a good selection to read in connection with Douglas' Freeport speech.

On July 24th Lincoln challenged Douglas to a joint discussion, and arrangements were made accordingly. Rhodes says :

"The two leaders met first at Ottawa, August 21st. That Lincoln was willing to pit himself against Douglas in joint debate showed an abiding confidence in his cause and in his ability to present it. For he had to contend with the ablest debater of the country, the man who in senatorial discussion had overmastered Seward, Chase, and Sumner, and who more recently had discomfited the champions of Lecompton. Lincoln had less of the oratorical gift than Douglas, and he lacked the magnetism that gave the Little Giant such a personal following. Tall, lean, gaunt, and awkward, his appearance as he rose to speak was little fitted to win the sympathy of his hearers. 'When he began speaking,' writes Herndon, 'his voice was shrill, piping, and unpleasant. His manner, attitude, his dark, yellow face, wrinkled and dry, his oddity of pose, his diffident movements, all seemed against him. But when he got into the heart of his subject, he forgot his ungainly appearance ; his soul, exalted by dwelling upon his cause, illumined his face with earnestness, making it lose "the sad, pained look due to habitual melancholy ;" and his voice and gesture became effective.' In every speech of Lincoln breathed forth sincerity and devotion to right. Whatever other impressions were received by the crowds who gath-

ered to hear him in the summer and fall of 1858, they were as one in the opinion that they had listened to an honest man." *

By the arrangement Douglas was to speak one hour at Ottawa, Lincoln to reply for an hour and a half, and Douglas to make a half-hour's rejoinder. In like manner Lincoln should open and close at Freeport, and so on alternately. Douglas had four openings and closes to Lincoln's three. In the course of Douglas' first speech at Ottawa he proposed to Lincoln "seven distinct interrogatories."—See the *Debates*. In opening at Freeport Lincoln proposed the following questions to Douglas :

Question 1. If the people of Kansas shall, by means entirely unobjectionable in all other respects, adopt a State Constitution, and ask admission into the Union under it, *before* they have the requisite number of inhabitants according to the English bill—some ninety-three thousand—will you vote to admit them ?

Q. 2. Can the people of a United States Territory, in any lawful way, against the wish of any citizen of the United States, exclude slavery from its limits prior to the formation of a State Constitution ?

Q. 3. If the Supreme Court of the United States shall decide that States cannot exclude slavery from their limits, are you in favor of acquiescing, adopting, and following such decision as a rule of political action ?

Q. 4. Are you in favor of acquiring additional territory, in disregard of how such acquisition may affect the nation on the slavery question ?

After proposing these questions Lincoln assumes the aggres-

* See also the Hay and Nicolay "Life of Lincoln," *Century Magazine*, July, 1887. Rhodes' *History of the United States*, vol. ii., pp. 323, 324.

sive, and charges Douglas with conspiring to make slavery a national institution. As evidence of this he called attention to the rejection of the Chase amendment by Douglas and his party. This amendment, offered for the purpose of exposing the pro-slavery purpose of the bill, expressly declared that the people of the Territory should have the power to exclude slavery if they saw fit. Lincoln would make out that the "larger liberty" which Douglas claimed that he had secured for the people of the Territory was merely the liberty to *have* slavery, not a liberty to refuse to have it. After occupying his allotted hour he gave way to Douglas, who gave the speech of our text.

3. Douglas charges Lincoln with evading questions which he (Douglas) had put to him.

4. The Senate bill admitting Kansas under the Lecompton Constitution, was amended in the House, April 1, 1858, on motion of Montgomery, a Democratic member from Pennsylvania. The same amendment had been offered in the Senate by Crittenden, a Whig Senator from Kentucky. The proposition, which came to be known as the Crittenden-Montgomery Compromise, involved the submission of the Lecompton Constitution to a vote of the people of Kansas. If accepted, Kansas should become a State on the proclamation of the President; if rejected, the people of Kansas were authorized to form another Constitution and State government. The House passed this amendment, but the Senate would not accept it. In the Committee of Conference between the Senate and House, William H. English, a Representative from Indiana, proposed another Compromise which came to be known as the English Bill. This proposed to donate to the State of Kansas a large tract of public land if the State would accept the Lecompton Constitution; if not, the Territory

could not be admitted as a State until its population equalled the ratio required for a representative. If the people of Kansas chose to accept the Lecompton Constitution, they could come in with only 35,000 inhabitants; if they rejected it they were compelled to stay out until they should have 93,420 inhabitants. Douglas considered this feature of the English bill an unfair discrimination, and he refused to vote for the bill; it does not appear that he made any objection to the land bribe. The people of Kansas refused to ratify the Lecompton Constitution even with these inducements attached. In the omitted passage Douglas defends his record on Kansas, holding that if the Territory had enough population for a slave State it had enough for a free State.

5. This is the passage which contains Douglas' "Freeport Doctrine," or the "doctrine of unfriendly legislation."—See Note to Lincoln's speech on the Dred Scott Decision, p. 370. This was Douglas' way of reconciling the Dred Scott decision with his principle of popular sovereignty. It was not a new position for Douglas. He announced the same theory of "unfriendly legislation" in his speech on the Dred Scott Decision at Springfield, June 12, 1857; and again at Bloomington, July 16, 1858.—See these speeches in the *Lincoln-Douglas Debates*.

But these statements of Douglas did not attract public attention as did his answer to Lincoln at Freeport. Rhodes says:

"This answer attracted more attention throughout the country than any statement of Douglas during the campaign; and, while he could not have been elected senator without taking that position, the enunciation of the doctrine was an insuperable obstacle to cementing the division in the Democratic party. The influence of this meeting at Freeport is an example of the greater interest incited by a joint debate than

by an ordinary canvass, and illustrates the effectiveness of the Socratic method of reasoning. During this same campaign, Douglas had twice before declared the same doctrine in expressions fully as plain and forcible, but without creating any particular remark ; while now the country resounded with discussions of the Freeport theory of "unfriendly legislation." *

The following extract from Hay and Nicolay's *Life of Lincoln*, bearing on this point, is of interest to the historical student :

"To comprehend the full force of this interrogatory, the reader must recall the fact that the 'popular sovereignty' of the Nebraska bill was couched in vague language, and qualified with the proviso that it was 'subject to the Constitution.' The caucus which framed this phraseology agreed, as a compromise between Northern and Southern Democrats, that the courts should interpret and define the constitutional limitations, by which all should abide. The Dred Scott decision declared in terms that Congress could not prohibit slavery in Territories nor authorize a territorial legislature to do so. The Dred Scott decision had thus annihilated "popular sovereignty." Would Douglas admit his blunder in law, and his error in statesmanship ?

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"Lincoln clearly enough comprehended the dilemma and predicted the expedient of his antagonist. He had framed his questions and submitted them to a consultation of shrewd party friends. This one especially was the subject of anxious deliberation and serious disagreement. Nearly a month before, Lincoln in a private letter accurately foreshadowed Douglas' course on this question. 'You shall have hard work to get him directly to the point whether a territorial legislature has or has not the power to exclude slavery. But

* Rhodes' *History of the United States*, vol. ii., p. 328.

if you succeed in bringing him to it—though he will be compelled to say it possesses no such power—he will instantly take ground that slavery cannot actually exist in the Territories unless the people desire it, and so give it protection by territorial legislation. If this offends the South, he will let it offend them, as at all events he means to hold on to his chances in Illinois.’ There is a tradition that on the night preceding this Freeport debate Lincoln was catching a few hours’ rest, at a little railroad centre named Mendota, to which place the converging trains brought after midnight a number of excited Republican leaders, on their way to attend the great meeting at the neighboring town of Freeport. Notwithstanding the late hour, Mr. Lincoln’s bedroom was soon invaded by an improvised caucus, and the ominous question was once more brought under consideration. The whole drift of advice ran against putting the interrogatory to Douglas; but Lincoln persisted in his determination to force him to answer it. Finally his friends in a chorus cried out, ‘If you do, you can never be Senator.’ ‘Gentlemen,’ replied Lincoln, ‘I am killing larger game; if Douglas answers, he can never be President, and the battle of 1860 is worth a hundred of this.’”*

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The feeling of the Southern Democrats toward Douglas on account of the “Freeport Doctrine” was well expressed by Senator Benjamin, of Louisiana, in a speech in the Senate, May 22, 1860. Benjamin said: “It is impossible that confidence thus lost can be restored. On what ground has that confidence been forfeited, and why is it that we now refuse him our support and fellowship? I have stated our reason to-day. I have appealed to the record. I have not followed

* Hay and Nicolay’s “Life of Lincoln,” *Century Magazine*, July, 1887.

him back in the false issue or the feigned traverse that he makes in relation to matters that are not now in contest between him and the Democratic party. The question is not what we all said or believed in 1840 or in 1856. How idle was it to search ancient precedents and accumulate old quotations from what Senators may have at different times said in relation to their principles and views. The precise point, the direct arraignment, the plain and explicit allegation made against the Senator from Illinois is not touched by him in all of his speech.

"We accuse him for this, to wit: that having bargained with us upon a point upon which we were at issue, that it should be considered a judicial point; that he would abide the decision; that he would act under the decision, and consider it a doctrine of the party; that having said that to us here in the Senate, he went home, and under the stress of a local election, his knees gave way; his whole person trembled. His adversary stood upon principle and was beaten; and lo! he is the candidate of a mighty party for the Presidency of the United States. The Senator from Illinois faltered. He got the prize for which he faltered; but lo! the grand prize of his ambition to-day slips from his grasp because of his faltering in his former contest, and his success in the canvass for the Senate, purchased for an ignoble price, has cost him the loss of the Presidency of the United States."

6. The omission at this point is as follows: "Lincoln knows that the Nebraska bill, without Chase's amendment, gave all the power which the Constitution would permit. Could Congress confer any more? Could Congress go beyond the Constitution of the country? We gave all—a full grant, with no exception in regard to slavery one way or the other. We left that question as we left all others, to be decided by the people for themselves, just as they pleased. I will not

occupy my time on this question. I have argued it before, all over Illinois. I have argued it in this beautiful city of Freeport; I have argued it in the North, the South, the East, and the West, avowing the same sentiments and the same principles. I have not been afraid to avow my sentiments up here for fear I would be trotted down into Egypt."

7. This passage, as published in the *Lincoln-Douglas Debates*, edited by Hay and Nicolay, is as follows: "I denounced the article on the floor of the Senate, in a speech which Mr. Lincoln now pretends was against the President. The 'Union' had claimed that slavery had a right to go into the free States, and that any provision in the constitution or laws of the free States to the contrary was null and void. I denounced it in the Senate, as I said before, and I was the first man who did."

8. Hale and Wilson were Republican Senators from New Hampshire and Massachusetts.

9. Was this question of Lincoln's more startling and impudent in 1858 than the following would have been in, say, 1830 or 1840—"If the Supreme Court of the United States shall decide that Congress cannot exclude slavery from the territories, are you in favor of acquiescing in, adopting, and following it?" Did the late aggressions of slavery justify Lincoln's question?

10. The omitted passage is as follows: "Our fathers supposed that we had enough when our territory extended to the Mississippi River, but a few years' growth and expansion satisfied them that we needed more, and the Louisiana territory, from the west branch of the Mississippi to the British possessions, was acquired. Then we acquired Oregon, then California and New Mexico. We have enough now for the present, but this is a young and growing nation. It swarms as

often as a hive of bees, and as new swarms are turned out each year, there must be hives in which they can gather and make their honey. In less than fifteen years, if the same progress that has distinguished this country for the last fifteen years continues, every foot of vacant land between this and the Pacific Ocean, owned by the United States, will be occupied. Will you not continue to increase at the end of fifteen years as well as now? I tell you, increase, and multiply, and expand, is the law of this nation's existence. You cannot limit this great republic by mere boundary lines, saying, 'Thus far shalt thou go, and no further.' Any one of you gentlemen might as well say to a son twelve years old that he is big enough and must not grow any larger, and in order to prevent his growth put a hoop around him to keep him to his present size. What would be the result? Either the hoop must burst and be rent asunder, or the child must die. So it would be with this great nation."

WILLIAM H. SEWARD.

1. This speech was delivered by Seward at Rochester, New York, on October 25, 1858. It was a speech from the stump; during a political campaign. As a stump speech it takes high rank. It is statesman-like and dignified in tone; and it has probably attracted as much attention and exerted as wide an influence as any campaign speech in the history of American politics. Its purpose was to arraign the Democratic party for its devotion to slavery, to expose the injustice of the slave-system, and to contrast the benefits of the free-labor system with the evils of the slave-labor system. The speech was significant and became famous because of the eminence of Seward as a

leader and because of the character of the doctrine which he announced—that the struggle with slavery was an “irrepressible conflict,” and that one side or the other must give way. Seward was looked upon as the probable Republican candidate for the presidency in the approaching campaign of 1860. Jefferson Davis had called him the “master mind” of the Republican party, and this speech was regarded as an announcement of Seward’s policy and program, or his attitude toward the slavery problem.

2. Alexander II. of Russia abolished slavery in that country in 1861, an act by which 23,000,000 of his subjects became free.—See Müller’s *Political History of Recent Times*, p. 267.

3. This passage from Seward’s speech was called by his opponents “a brutal and bloody manifesto” and Seward was called “a dangerous and fanatical Abolitionist.” The same idea is contained in Lincoln’s Springfield speech delivered four months previously, on June 17. Rhodes says: “It is not probable that Lincoln’s ‘house-divided-against-itself’ speech had any influence in bringing Seward to this position. He would at this time have certainly scorned the notion of borrowing ideas from Lincoln; and had he studied the progress of the Illinois canvass, he must have seen that the declaration did not meet with general favor.”

Lincoln himself recognized that Seward’s utterance was independent of his own. Speaking at Columbus, Ohio, September, 1859, after reaffirming his belief in the doctrine of his “house-divided-against-itself” speech, Lincoln said:

“While I am here on this subject, I cannot but express gratitude that this true view of this element of discord among us—as I believe it is—is attracting more and more attention. I do not believe that Gov. Seward uttered that sentiment be-

cause I had done so before, but because he reflected upon this subject and saw the truth of it. Nor do I believe, because Gov. Seward or I uttered it, that Mr. Hickman of Pennsylvania, in different language, since that time, has declared his belief in the utter antagonism which exists between the principles of liberty and slavery. You see we are multiplying. Now, while I am speaking of Hickman, let me say, I know but little about him. I have never seen him, and know scarcely anything about the man; but I will say this much of him: of all the anti-Lecompton Democracy that have been brought to my notice, he alone has the true, genuine ring of the metal."

The student of our political history will consider whether Seward's analysis of the situation was the same as that of Lincoln, and whether he had fairly interpreted the inevitable moral movement of his generation.

4. Rufus Choate had said before a Whig Convention in Maine, in 1849, that the "signers of the Declaration of Independence offered their maxim to the world that 'all men are created equal' only as a beautiful and glittering generality." Taney, in rendering the Dred Scott decision, had used words which might serve as the basis for this passage from Seward.

See also Lincoln's speech on the Dred Scott decision, and Note 2, p. 368, and the discussions on the interpretation of the Declaration of Independence in the *Lincoln-Douglas Debates*.

5. The interdiction consisted in leaving the slave trade open for twenty years, which by implication allowed its prohibition after that time, and of the language of the Constitution which says, "but a tax or duty may be imposed on such importation not exceeding \$10.00 for each person."

6. It is not probable that the framers of the Constitution

had in mind an amendment of that instrument for the purpose of eradicating slavery.

7. This utterance is not like "a brutal and bloody manifesto." It is rather of the essence of law and constitutionalism. Seward probably thought it necessary to say this to guard himself against the charge of proposing unconstitutional violence against the institution of slavery. Neither Seward nor Lincoln proposed a war of sections.

8. In the omitted passage Seward shows how the slavery oligarchy proposed to control the Republic, and he reviews the record of the Democratic party, seeking to show that throughout its whole history since the era of good feeling under Monroe, the Democratic party had been committed to the policy of slavery. The passage is of considerable length and it deserves the student's attention.

9. The historic Jeffersonian maxim was, "Equal rights for all, special privileges for none."—See "Jefferson's First Inaugural Address," vol. i., *American Orations*.

10. Seward had been a life-long Whig. Why had the Whig party succumbed to pro-slavery influence?

11. Valuable comments and criticisms upon this speech may be found in *Von Holst*, vol. 1856-59, p. 266.

JOHN P. HALE.

1. John Parker Hale was born at Rochester, New Hampshire, March 31, 1806; graduated at Bowdoin College in 1827; studied law; was admitted to the bar in 1830, and commenced practice at Dover, N. H.; was a member of the New Hampshire Legislature in 1832; was appointed by Pres-

ident Jackson, in 1834, United States Attorney for the district of New Hampshire, and was removed by President Tyler in 1841 for party reasons; was elected to Congress from New Hampshire as a Democrat, serving from December 4, 1843, to March 3, 1845; was renominated by the Democrats as their candidate for the succeeding Congress, but his views against the annexation of Texas on anti-slavery grounds caused the Democratic leaders to pronounce him a traitor, call a new convention and nominate another candidate; he ran as an Independent candidate, and no one of the three candidates receiving a majority, the district was unrepresented; was elected to the State Legislature in 1846, and was chosen speaker; was elected a United States Senator as an anti-slavery man, serving from December 6, 1847, to March 3, 1853; was the Free-Soil candidate for the Presidency in 1852, receiving 157,000 votes; was elected again to the United States Senate in 1855, serving in the Senate from 1855 to 1865; was appointed by President Lincoln Minister to Spain, serving from 1865 to 1869; he died at Dover, New Hampshire, November 18, 1873. (Poore's *Congressional Directory and Political Register*.)

"Mr. Hale began the agitation of the slavery question almost immediately upon his entrance into the Senate, and continued it in frequent speeches during his sixteen years of service in that body. He was an orator of handsome person, clear voice, and winning manners, and his speeches were replete with humor and pathos. His success was due to his powers of natural oratory, which, being exerted against American chattel-slavery, seldom failed to arouse sympathetic sentiments in his audiences."—Art. in Appleton's *Cyc. of Am. Biog.*

2. The speeches of Hale and Iverson were both delivered on December 5, 1860, at the opening of the memorable session

of Congress. 1860-61, which covered the period of the secession movement. (See Note 2 on Crittenden's speech, p. 402.) Congress convened on Monday, December 3, 1860. On the 4th, President Buchanan submitted to the two houses his regular message, which consisted of a long discussion of the state of the country and the problem of secession. Senator Clingman, of North Carolina, made in the Senate the usual motion that the message be printed. On this motion Clingman made a notable speech, setting forth moderate secession, or anti-coercion, opinion in the South. He was followed by Crittenden with a border-State opinion in opposition to secession, and in a forcible plea for the Union. Senator Fitch, of Indiana, moved that extra copies of the President's message be printed, and this motion on December 5 became the occasion of the speeches of our text from Hale and Iverson. Davis of Mississippi, Wigfall of Texas, and other senators also engaged in the discussion. The debates took a wide range, covering the subjects of slavery and disunion.

3. This criticism of Hale's is similar to the jesting criticism of Seward's on President Buchanan's message. Seward is reported to have said: "I think the President has conclusively proven two things: (1) That no State has a right to secede unless it wishes to; and (2) that it is the President's duty to enforce the laws unless somebody opposes him."—Hay and Nicolay's *Life of Lincoln*, chapter on the Secession Movement.

4. In the conclusion of his speech Hale replies to the prevalent charge that the Northern States were the aggressors in promoting the unhappy state of disunion then existing. He denied that the North had committed aggressions upon the rights of the South, and he claimed that the Southern people had been misled as to the Republican sentiment and attitude in the North by unfair aspersions of political presses

and demagogues in the North. He claimed for New Hampshire that she had constantly observed her constitutional obligations; and he charged that, if aggressions had occurred in the North, equal aggressions against the rights of the citizens of the free States had occurred in the South. Hale closed with remarks on the nature of the impending crisis, and with expressions of hope that we might avoid presenting to the world the spectacle of dissolution.

ALFRED IVERSON.

1. Alfred Iverson was born in Burke County, Georgia, December 3, 1798; received a classical education, graduating at Princeton in 1820; was admitted to the bar, and commenced practice at Columbus, Ga.; was a member of the State House of Representatives for three years, and of the State Senate for one year; was a Polk elector in 1844; served in Congress from Georgia, 1847-49; was United State Senator from Georgia from 1855 to January 28, 1861, when he retired from the Senate; was an ardent advocate of secession; served in the war of the Rebellion as colonel of a Georgia regiment, and was appointed brigadier-general in November, 1862; he died at Macon, Georgia, March 5, 1874.

2. See Note 2 on Hale's speech, p. 393.

3. In the passage omitted Iverson asserts that South Carolina will not stand alone in secession. Other States will join her. "Before the 4th of March, before you inaugurate your President, there will be certainly five States, if not eight of them, that will be out of the Union and have formed a constitution and frame of government for themselves." It was time to look the crisis in the face. The repeal of the personal liberty bills would not stop the Southern revolution. He proposed not to wait for overt acts on the part of Mr. Lincoln.

The power of the Federal Government could be exercised to destroy slavery, and the South should act before it was too late.

4. In the omitted passage Iverson asserts that there will be no war; that there have been but two instances in modern history in which a nation has been overcome by a foreign foe: Hungary was conquered by Austria, Mexico by the United States. "But the fifteen slave States, or even the five now moving, banded together in one government, and united as they are soon to be, would defy the world in arms. Fighting on our own soil, in defense of our own sacred rights and honor, we could not be conquered even by the combined forces of all the other States; and sagacious, sensible men, in the Northern States, would understand that too well to make the effort."

5. Compare this with Webster's remarks on the impossibility of peaceable secession, in the 7th of March Speech, vol. ii., *American Orations*.

6. This quotation is from a memorable speech of Thomas Corwin, Senator from Ohio, delivered in the Senate in February, 1847, in opposition to the Mexican War. See the published speeches of Corwin.

BENJAMIN F. WADE.

1. Benjamin Franklin Wade was born near Springfield, Mass., October 27, 1800. He was of Puritan ancestry. His education was received chiefly from his mother. He was admitted to the bar in Ohio in 1827, and in 1831 formed a partnership with Joshua R. Ciddings. In 1837 Wade was elected as a Whig to the State Senate. His opposition to a State Fugitive Slave law cost him his re-election, but he was chosen to the State Senate again in 1841. In 1847 he was elected by the Legislature as Judge of the 3d Judicial

District in Ohio, and while occupying this position he was elected to the United States Senate, serving three terms in the Senate, from 1851 to 1869.

Wade was a radical anti-slavery man. He boldly favored the repeal of the Fugitive Slave Law, and opposed the Kansas-Nebraska bill, the Lecompton scheme, and the purchase of Cuba. His speeches on these subjects and on the homestead bill are worthy of attention. After the assault on Sumner, Senator Toombs, of Georgia, stated in the Senate that he witnessed the assault and approved it. Wade made a vehement reply, denouncing the act of Brooks as the act of an assassin. He said further: "Overpowered or not, live or die, I will vindicate the right and liberty of debate and freedom of discussion upon this floor, so long as I live. If the principle now announced here is to prevail, let us come armed for the combat; and although you are four to one, I am here to meet you. God knows a man can die in no better cause than in vindicating the rights of debate on this floor." It was expected that Wade would be challenged for his speech, and Wade, Cameron, and Chandler made a compact to resent any insult from a Southerner by a challenge to fight.

After the bombardment of Sumter, Wade favored a vigorous prosecution of the war, and, as chairman of the Committee on Territories, he brought in a bill in 1862 to abolish slavery in all the Territories. He was joint author of the Wade-Davis scheme of Reconstruction, and he boldly antagonized Lincoln on that subject. In 1867 he became acting Vice-President of the United States, as president *pro tempore* of the Senate. He voted for President Johnson's impeachment in 1868, and the conviction of the President would have made Wade acting President. Wade was succeeded in the Senate by Allen G. Thurman in 1869. In 1876 he favored the nomination of Rutherford B. Hayes for the Presidency, and was at the head of the Ohio delegation in the Cincinnati Convention, though

he bitterly condemned President Hayes' subsequent course in relation to the Southern States. Wade was widely admired and respected for his fearlessness, independence, and rugged honesty.

See the sketch of Wade in Appleton's *Cyclopædia of American Biography*; and Riddle's *Life of Wade*.

2. This speech of Wade's, delivered in the United States Senate December 17, 1860, was made on the Powell Resolution providing for the Committee of Thirteen (see p. 403), the day before the Crittenden Compromise was introduced. Rhodes says of the speech that it advanced Wade to the leadership of the radical Republicans, and that it undoubtedly at that time had the approval of a majority of his party. The *New York Tribune*, changing from its peace policy, endorsed Wade's policy as "the only safe doctrine." The doctrine can be summed up in two words—"No compromise." An interesting extract from an editorial in the *New York World* of December 19, 1860, is cited by Rhodes: "Wade is the Republican Senator from the agricultural State of Ohio, and his speech is probably a very exact reflex not merely of the Republican sentiment of his State but of all the great agricultural communities of the North. . . . Wade's speech derives its significance from the circumstance that it may be taken as a pretty accurate index of the sentiment of the great mass of the Republicans in respect to the crisis. The tone of their press for the last ten days accords with the anti-compromise tone of this speech. The current, indeed, seems setting more and more strongly in that direction. The ground on which a majority of the Republican party stands to-day is earnest opposition to any further compromises, combined with entire willingness to accord to the South every right guaranteed to it by the Constitution."—Rhodes' *History of the United States*, vol. iii., p. 165.

3. In a brief omission Wade reiterates the statement that "if there be anything wrong in the legislation of the Federal Government you of the dominant party, not we, are responsible for it."

4. The omitted passage contains a colloquy between Wade and Senator Green, of Missouri, on the Personal Liberty bills as evidence of a public sentiment at the North hostile to slavery. Green said: "When it is said that this fugitive slave law is obnoxious to the North, and runs counter to these old guarantees concerning personal liberty, I say that the recovery of fugitives from justice is, under the Constitution and under the law, just as summary without Trial by Jury, and must of necessity be so. Why is not the same complaint made about forgers, and murderers, and scoundrels that steal? Not a word of liberty bills in their behalf; but all for the negro."

5. In the omitted passage Wade contends that the Fugitive Slave law had been well executed at the North. He refers to the testimony of Senator Pugh of Ohio, Senator Fitch of Indiana, Senator Douglas of Illinois, all Democratic Senators, to bear him out in this assertion. Wade then brings forward a counter charge that there were greater violence and disregard of law in the South, and that the rights of Northern people were not regarded there, but that Northern Republicans were treated with political ostracism and persecution.

6. Wade proceeds in his discussion to show that his party is not a setter-forth of new doctrines, that it stands where Washington, Jefferson, Madison, and Monroe had stood—merely for the non-extension of slavery. When Wade asserted that the Senator from Georgia (Iverson) had said that he did not apprehend any violation of Southern rights, or of the Constitution, by Mr. Lincoln, he was drawn into a long colloquy

by Iverson and by Powell, of Kentucky. Iverson asserted that he *did* anticipate violations of the Constitution in hostility to slavery, by Mr. Lincoln; and Powell contended that specific charges *had* been made against the North and its policy and that these charges were yet unanswered. The matter which Powell pressed on Wade was the refusal of Governor Dennison, of Ohio, to deliver up to Kentucky a fugitive from justice charged with negro stealing. Wade would not answer directly whether he condemned or approved the governor's action.

7. Wade spends some time to show that what the Republicans had gained they could not afford to compromise. They had fairly elected the President; he must be seated. "When it is denied in this Government that a majority fairly given shall rule,—the people are unworthy of free government." A right of that kind cannot be compromised or given away. A verdict of the people cannot be surrendered by those who have been elected to execute it.

8. Wade here enters into an argument against the constitutional right of a State to secede. He would not make war upon a seceding State, but the Chief Magistrate must enforce the laws and collect the revenues. Of the duty of the President to collect the revenues in a seceding State, he says: "The Constitution in thunder tones demands that he shall do it alike in the ports of every State. What follows? Why, sir, if he shuts up the ports of entry so that a ship cannot discharge her cargo there or get papers for another voyage, then ships will cease to trade; or if he undertakes to blockade her, and thus collect it, she has not gained her independence by secession. What must she do? If she is contented to live in this equivocal state all would be well, perhaps; but she could not live there. No people in the world could live in that condition. What will they do? They must take the

initiative and declare war upon the United States ; and the moment that they levy war force must be met by force ; and they must, therefore, hew out their independence by violence and war."

9. In the omission Wade expresses the rather surprising opinion that after the United States were released from all obligations to slavery, Mexico would seek a protectorate from us, and that our trade and prosperity would be greatly promoted toward the southwest. He then turns to the charge, expressed by Senators Pugh and Douglas, that the Black Republican party wished to promote negro equality. Wade proposed to provide a home and a country for the free black man in Central America or Mexico, and then, under the homestead policy, "to invite the poor, the destitute, industrious white man from every clime under heaven, to come in here and make his fortune." Then it will be seen in course of time, whether an empire based on slave labor would prove more prosperous than an empire with freemen and free labor alone as its support. This vision of the future was based on the supposition that the South succeeded in hewing out its independence by the fortunes of war.

JOHN J. CRITTENDEN.

1. John Jordon Crittenden was born in Woodford County, Ky., September 10, 1787. He graduated at William and Mary College in 1807 ; served as a soldier in the War of 1812 ; was a member of the Kentucky House of Representatives in 1816 ; was United States Senator from Kentucky from December 1, 1817, to March 3, 1819 ; practiced law at Frankfort, Ky., from 1819 to 1835 ; was again a United States Senator from Kentucky (Whig), from 1835 to 1841 ; was

Attorney-General of the United States under Harrison, but resigned at the accession of Tyler ; was again elected to the United States Senate, serving from March 31, 1842, until he resigned in 1848 ; was governor of Kentucky, 1848-50 ; was Attorney-General under President Fillmore, serving from July 20, 1850, to March 3, 1853, during which service he rendered a decision in favor of the constitutionality of the Fugitive Slave Law ; was again United States Senator, serving from December 3, 1855, to March 3, 1861 ; was succeeded in the Senate by John C. Breckinridge, but was immediately elected from Kentucky to the House of Representatives as a Unionist. He died, while a candidate for re-election to the House, near Frankfort Ky., July 26, 1863.

Crittenden was a lifelong Whig and a devoted friend of the Union. He favored the election of Harrison in 1840, of Clay in 1844, of Bell and Everett in 1860. He exerted every effort to save the Union and avert war by compromise in 1860-61, but failing in this he stood by the government with loyal courage, and his influence was a powerful factor in keeping Kentucky in the Union. He strongly opposed secession and held it to be the right and duty of the administration to maintain the Union by force. He opposed an anti-slavery policy in the conduct of the war, and in his last speech, February 22, 1863, he opposed the conscription bill and the employment of slaves as soldiers, claiming that the original purpose of the war had been changed.

Appleton's *Cyclopædia of American Biography*.

Poore's *Political Register and Congressional Directory*.

Century Dictionary of Names.

Coleman's *Life of Crittenden*.

2. After the election of Lincoln, November, 1860, South Carolina took steps for a dissolution of the Union. Her Legislature, which was in session on election day for the purpose of choosing presidential electors, called a State

Convention to meet on December 17. When Congress met in regular session, December 3, 1860, it was evident that South Carolina would secede, and that the sentiment in the other cotton States would lead them to pursue the same course. The Union seemed dissolving. The regular message of President Buchanan was unsatisfactory. It denied the right of a State to secede, but it also denied that there was any power in the national government to preserve the Union against forcible secession. The question was, would the victorious party in the North make such concessions as would satisfy the South? Or was it too late for concession and compromise to allay the disunion spirit in the South? Compromise had temporarily settled our sectional troubles in 1820, in 1833, in 1850, and it was hoped by many that the same spirit and policy might prevail again.

The principal grievances of the South were (1) The Personal Liberty laws of some of the Northern States, and the refusal to enforce the Fugitive Slave Law. (2) The proposed exclusion of slavery from the common territories. (3) The election of Lincoln by a party avowedly hostile to their domestic institution of slavery. Various propositions of conciliation and compromise were made. The House recommended to the Northern States a repeal of their unconstitutional Personal Liberty laws; Senator Lane, of Oregon, proposed a Constitutional Convention of the States; Senator Powell, of Kentucky, proposed to refer the part of the President's message relating to the "present agitated and distracted condition of the country," to a special committee of thirteen, and the committee was instructed "to inquire into the present condition of the country and report by bill, or otherwise." The Powell resolution passed on December 17, and the committee for which it provided consisted of the following Senators: Powell of Kentucky, Hunter of Virginia, Crittenden of Kentucky, Seward of New York, Toombs of

Georgia, Douglas of Illinois, Collamer of Vermont, Davis of Mississippi, Wade of Ohio, Bigler of Pennsylvania, Rice of Minnesota, Doolittle of Wisconsin, and Grimes of Iowa. This was the famous Committee of Thirteen. The most important proposition coming before this Committee was the Crittenden Compromise, proposed in the Senate December 18, by Senator Crittenden, of Kentucky. This compromise proposed amendments to the Constitution providing as follows:

1. The re-establishment of the line of $36^{\circ} 30'$. In all territory north of that line slavery should be prohibited; in all territory south of the line "slavery is recognized as existing and shall not be interfered with by Congress, but slaves shall be protected as property by all the departments of the territorial government during its continuance."

2. Congress shall not abolish slavery in places under its exclusive jurisdiction, and situate within the limits of slave States.

3. Congress shall not abolish slavery in the District of Columbia, without compensation, and without the consent of its inhabitants, or without the consent of Virginia and of Maryland.

4. Congress shall not prohibit nor hinder the inter-state slave trade.

5. Provision should be made to pay owners for rescued fugitive slaves.

6. No future amendment of the Constitution should affect the preceding provisions, and no amendment should ever be made to authorize Congress to abolish, or interfere with, slavery in any of the States where slavery is or may be permitted.

Resolutions accompanied these proposed Constitutional amendments, which are sufficiently explained in Crittenden's speech. When the Committee of Thirteen came to deliberate

upon the Crittenden proposition it was decided that no report at all should be made unless it could be agreed to by a majority of the Republicans on the Committee, and also by a majority of the other eight members. On the first and most important Crittenden article—the one proposing settlement of the slavery question in the Territories—seven of the thirteen members of the committee voted in the negative,—all the Republicans and Davis and Toombs. Davis and Toombs asserted that they stood ready to agree to the measure if the Republicans had been willing to support it. The responsibility for the defeat of the Crittenden compromise seemed to rest with the Republicans, and Crittenden's appeals were chiefly to them.

3. In the omission Crittenden shows the extent to which free territory had increased over slave territory since the adoption of the Constitution. With such acquisitions as the Northern side had received since the beginning, should that section now make objection to the restoration of a line "which will leave to you on the north side of it nine hundred and odd thousand square miles, and leave to the South only two hundred and eighty-five thousand?" "Sir, it is a cheap sacrifice. It is a glorious sacrifice. This Union cost a great deal to establish it; it cost the yielding of much of public opinion and much of policy, besides the direct or indirect cost of it in all the war to establish the independence of this country. When it was done, General Washington himself said: 'Providence has helped us, or we could not have accomplished this thing.' And this gift of our wisest men; this great work of their hands; this work in the foundation and structure of which Providence himself, with his benignant hand, helped—are we to give it all up for such small considerations?"

ROBERT TOOMBS.

1. The main facts in the life of Robert Toombs are as follows: He was born in Wilkes County, Georgia, July 2, 1810; he died at Washington, Georgia, December 15, 1885. He was a Whig member of Congress from Georgia, 1845-53; United States Senator from Georgia, 1853-61; member of the Confederate Congress, 1861; Confederate Secretary of State from February to July, 1861; resigned the Secretaryship of State to accept a commission as Brigadier-General in the Confederate army, and served in the second battle of Bull Run and at Antietam in 1862; commanded the Georgia militia in 1864; lived abroad, 1865-7, when he returned to America, but refused to take the oath of allegiance to the United States Government, and died an "unreconstructed rebel."

Toombs was a leading disunionist in the years preceding the outbreak of the Civil War, and as a representative of the South in the Senate he was bold, uncompromising, and defiant. He was one of the ablest and most eloquent exponents of the Southern view, honest and outspoken. After the election of Lincoln in 1860, Toombs made a series of speeches in Georgia, in which he asserted that the North could not be depended on to respect the constitutional rights of the South, and that secession was the only remedy. He resigned his seat in the United States Senate in January, 1861, and was formally expelled from that body in the following March.

Appleton's *Cyclopedia of American Biography*
Century Dictionary of Names.

Poore's *Political Register and Congressional Directory.*

2. On January 3, 1861, Mr. Crittenden moved in the Senate for a referendum on his Compromise propositions; that is, he proposed that the Crittenden Compromise should be referred to the people. In offering this motion he said: "The meas-

ure which I am about to propose, sir, is of that extraordinary character ; and I shall be at a loss for a justification and excuse for it, if it cannot be found in the perilous condition of public affairs, and in that great law, the safety of the people. I hope the measure may be productive of some good. I shall therefore lay it on the table, with all other measures tending to that object, to be considered by the Senate. I beg leave, sir, as the resolution is in my handwriting, and perhaps not readily to be read by the Clerk, to read it myself :

“ Whereas the Union is in danger, and, owing to the unhappy divisions existing in Congress, it would be difficult, if not impossible, for that body to concur in both its branches by the requisite majority so as to enable it either to adopt such measures of legislation, or to recommend to the States such amendments to the Constitution as are deemed necessary and proper to avert that danger ; and whereas in so great an emergency the opinion and judgment of the people ought to be heard, and would be the best and surest guide to their representatives ; therefore,

“ *Resolved*, That provision ought to be made by law without delay for taking the sense of the people and submitting to their vote the following resolutions as the basis for the final and permanent settlement of those disputes that now disturb the peace of the country and threaten the existence of the Union.”

Then followed the propositions of compromise. The motion of Crittenden was debated at length on January 3d, when Toombs obtained the floor and moved “ to postpone the further consideration of this question until Monday next, when,” he said, “ I desire to offer some observations on the various propositions which have been submitted, and probably on the general state of the country.” Crittenden called up the question again on the 7th, and after speaking at length on the general compromise propositions, was followed by Toombs in the speech of our text.

3. In South Carolina the Presidential electors were chosen by the Legislature. This body convened as usual on the day of the Presidential election, 1860, but instead of adjourning as usual after the electors were named, it continued its sessions until the result of the election was known. It then proceeded to call a convention to consider the policy of secession. This explains the "greater facility" to which Toombs refers.

4. The Legislature of Georgia appointed January 2, 1861, as the day for the election of delegates to a Convention to consider secession. The Convention met on January 16th, and passed the Ordinance of Secession on January 19th. The manner of electing some of the delegates to the Convention had been questioned.

5. Was this equivalent to a demand that the North should sustain slavery? Was the Union possible on these terms? Why should the demand not have been granted by the North?

6. In the omission Toombs quotes from specific acts of non-slave-holding States, notably Vermont and Maine, interfering with the rendition of fugitive slaves. He then goes on to say that having now obtained possession of the national government, the Black Republican party under Lincoln will not depend on personal liberty bills. "They are far in advance of such contrivances. The progressive spirit of the age will not wait upon such devices. They may now dispense with these superseded devices; but I undertake to say here that no Black Republican Legislature that repeals them will ever say that it is their purpose or duty to surrender the fugitive. No, sir, they do not intend to do that. They may delude you in order to get power; they may deceive you to get possession of this Government; but there is neither faith, nor truth, nor manhood in this conspiracy."

7. Lincoln in his speech in Cooper Institute, New York, February 27, 1860, said: "Senator Douglas' new sedition law must be enacted and enforced, suppressing all declarations that slavery is wrong, whether made in politics, in presses, in pulpits, or in private."

Toombs here implies that insurrection and sedition within the States, if directed against slavery, would come under "offences against the laws of nations."

8. This refers to Governor Andrew, of Massachusetts.

9. The omitted passage treats of the origin and nature of the Union.

10. Toombs expresses doubt as to whether the adoption of the Constitution in 1787-8 was a good thing.

He refers to Lincoln's speeches in Illinois proposing a peaceable reversal of the Dred Scott decision, and continued adherence to the policy of restriction. The special utterance of Lincoln which Toombs had in mind was as follows:

"If I were in Congress, and a vote should come up on the question whether slavery should be prohibited in a new Territory, in spite of the Dred Scott decision, I would vote that it should."

11. Toombs here refers to the following declaration of the Republican platform of 1860, adopted at Chicago.

"*Resolved*, That the new dogma that the Constitution, of its own force, carries slavery into any or all of the territories of the United States is a dangerous political heresy, at variance with the explicit provisions of that instrument itself, with contemporaneous exposition, and with legislative and judicial precedent, is revolutionary in its tendency, and subversive of the peace and harmony of the country."

12. A considerable part of Toombs' speech at this point is taken up with a discussion of the right of the South to protec-

tion for slave property in the Territories, and with an arraignment of the attitude of the Republican party toward that question and toward the Dred Scott decision.

In his closing passages Toombs charged that the Republicans proposed to outlaw \$4,000,000,000 of property "of poor people in the Territories," and that the South's only guarantee that this would not be done was "your treachery to yourselves."

Toombs discusses Lincoln's attitude toward slavery, charging him with accepting "every cardinal principle of the Abolitionists." He charges the Republicans with being Abolitionists without the courage and honesty to declare themselves as such. "Garrison," says Toombs, "looks at it squarely and honestly. He says to the Abolitionists of the other sort: 'Your government is a pro-slavery government; you take oaths and you violate them; we will not take these oaths because we will not break them.' . . . So it seems that the Abolitionists with whom we have to deal are so base that the honest Abolitionists themselves will not trust them." Toombs proceeded to discuss the requirement that laws should be passed punishing all who aid and abet insurrection. He refers to the insurrection of John Brown, and reverts to Lincoln's criticism of Douglas' proposed law in restraint of insurrection.

SAMUEL S. COX.

1. Samuel Sullivan Cox was born at Zanesville, Ohio, September 30, 1824; graduated at Brown University in the class of 1846; studied and practiced law; was editor of *The Columbus (Ohio) Statesman* in 1853 and 1854, and while editing this journal he gained the nickname of "Sunset," from a highly rhetorical description of a sunset which he published in his

journal; he was appointed secretary of legation to Peru in 1855; was a Democratic member of Congress from Ohio from 1857 to 1865; was also a member of Congress from New York City from 1869 to 1873, and from 1875 to 1885; was United States Minister to Turkey 1885-86: on his return to New York, was elected to Congress to fill a vacancy, and was re-elected in 1888. He died at New York, September 10, 1889. Cox was recognized as one of the leading orators of Congress, and was known for many years as the wit of the House. He was a "War Democrat," sustaining the government in the Civil War by voting money and men, although he was prominent in opposing many of the political policies of the administration. In politics, in his younger days, he was a devoted follower of Stephen A. Douglas, and his eulogy on Douglas delivered in 1861, in the House of Representatives, is a recognized masterpiece. He was the author of *A Buckeye Abroad*, *Eight Years in Congress*, *Three Decades of Federal Legislation*, and *Puritanism in Politics*.

See Poore's *Congressional Directory*.

Appleton's *Cyclopædia of American Biography*.

2. The speech of Cox was made in the House of Representatives January 14, 1862, on the occasion of an ordinary appropriation bill, making appropriations for the Army for the year ending June 30, 1862. The bill was made the occasion of a general debate on the question of secession and the state of the country. Mr. McClernand had preceded Cox in a long speech.

3. In passages omitted here Cox describes the situation of the country and seeks to allay criminations and threats and insults. He lays down certain propositions which he proposes to discuss: 1. That secession is not a right in any possible relation in which it can be viewed; to tolerate it, in theory or practice, is moral treason to patriotism and good

government. 2. Secession is revolution. 3. Every effort at conciliation should be exhausted before force is applied. 4. If the North does not do her part fully in making concessions it will be impossible to unite the Northern people in repressing secession. 5. If the South will patiently seek her rights in the Union she will succeed ; if repulsed in her patient endeavors she will go out in peace. 6. If she go out inconsiderately she will involve the fearful hazard of war. 7. The North will defend the Union against defiant and unconstitutional aggression at every sacrifice.

4. The body of Mr. Cox's speech, covering several pages in the *Globe*, is occupied with an argument against secession, and in discussing the various propositions which he laid down in the beginning. (See Note above.) He examines the grievances of the South and considers them insufficient to justify such a violent procedure as secession, which he considers revolution. The speech is found in full in the *Congressional Globe*, 2nd Session, 36th Congress, Part i., pp. 372-377, January 14. 1861.

5. He quotes from Henry Clay a warning against the great disaster of civil war ; and from Madison against the evils of dissolution. Dissolution would inevitably lead to civil war, and the condition of the States would be worse than that of the discordant states of Europe.

6. In the omission Cox expresses the hope that disunion and war may be averted, and he appeals to the example and precepts of Washington as a restraint against passion and violence. "Let us heed" he says, "with an all-embracing and an all-compromising patriotism, the warning of Washington, whose voice, though he be dead yet speaketh from yonder tomb at Mt. Vernon, and whose august presence I would summon here as the PRESERVER of that country whose greatest pride it is to hail him as its FATHER."

JEFFERSON DAVIS.

1. Jefferson Davis was born in Christian County, Kentucky, June 3, 1808; received a classical education, studying at Transylvania University; graduated at West Point in 1828, and was lieutenant of infantry and of dragoons until 1835; engaged in cotton planting in Mississippi; was a presidential elector on the Polk and Dallas ticket in 1844; served in Congress from December, 1845, to June, 1846, when he resigned to command a regiment in the Mexican War, serving in the field until July, 1847, distinguishing himself at Monterey and Buena Vista; declined appointment as Brigadier-General in May, 1847; was appointed United States Senator from Mississippi, and was subsequently elected, serving from December, 1847, to November, 1851; ran as secession candidate for Governor of Mississippi in 1851, and was defeated by Senator H. S. Foote, Union candidate. Was Secretary of War under President Pierce from March 7, 1853, to March 3, 1857; was again elected United States Senator, serving from March 4, 1857, until he withdrew, January 21, 1861; was chosen President of the Confederate States by the Provisional Congress, and was inaugurated February 18, 1861; was afterwards elected President of the Confederate States for the constitutional term of six years, and was inaugurated February 22, 1862; was captured by Federal troops at Irwinsville, Ga., May 10, 1865, imprisoned two years at Fortress Monroe, and then released on \$100,000 bail, Horace Greeley's name being first in the list of his bondsmen. On May 8, 1866, Davis was indicted for treason by a grand jury in the United States Court for the district of Virginia, but he was never brought to trial. The last years of his life were spent in quiet retirement at Beauvoir, Miss., on an estate bequeathed to him by a Mrs. Dorsey. He died at New Orleans, La., December 6, 1889.

See Alfriend's *Life of Davis* ; *Life of Davis*, by his Wife ; *Davis' Rise and Fall of the Confederate Government* ; Poore's *Political Register* ; Appleton's *Cyclopædia of American Biography*.

2. At the time Davis made this speech, bidding a final adieu to the Senate, the following States had passed ordinances of secession : South Carolina, December 20, 1860 ; Mississippi, January 9, 1861 ; Florida, January 10, 1861 ; Alabama, January 11, 1861 ; Georgia, January 19, 1861.

Other States were preparing to leave. The speeches on this occasion seemed to many to mark the final dissolution of the American Union, and a peculiar interest attached to the scene. The speech of Davis is important, also, because of the historic prominence of its author and because of its authoritative distinction between nullification and secession.

"On the twenty-first of January, 1861, the most impressive and painful scene in the annals of the United States of America was witnessed in the Senate Chamber. The rumor had gone abroad that the senators of several of the states which had seceded were about to withdraw from the Senate. The chamber was filled with members and with those who had the privilege of the floor, and the galleries were crowded with spectators. Every state was present except South Carolina ; her senators had not come to the capitol, but had sent in their resignations in writing before the session began, and when the time came the chairs of these senators were empty. The first state to turn its back upon the Union was Florida, one which had been among the latest to be welcomed with open arms by the sisterhood of states ; it was also one of the weakest. Rising in his place, Yulee set forth briefly the reasons which had led his state to secede, and then he bade adieu to the Senate. He was followed by the other Senator from this state, Mallory, who alluded to the fidelity with which the

South had clung to the Union throughout her patient endurance of insult and wrong, and in the same breath announced that Florida had come into the Union only fifteen years before, and that, from the Union as their fathers had made it, there breathed not a secessionist upon the soil of this state. . . . Fitzpatrick, of Alabama, followed Mallory, and Mississippi followed Alabama. Every eye and every ear was intent upon Jefferson Davis when he rose. He was not in good health, but to this alone could be attributed any faltering or agitation. There was none. This was the crowning hour of his existence, and he approached the culmination of his life-work with calmness and dignity. All his life long he had maintained the right of a state to withdraw from the Union, and this as an attribute of sovereignty coequal with the right under which the state had entered into the Union. He was no nullifier, nullification implied union, and he was no unionist. To nullify was to parry, to palliate; it was to confess a right, yet to avoid its obligations. Nullification and secession were incompatible principles. Davis neither parried, nor compromised, nor sulked; he believed that the states were sovereign and unaccountable, and where there had been aggression he would not acknowledge superior power, but he was for meeting aggression on the threshold by denying the superiority; therefore, to Union he opposed dis-Union; to aggression, resistance. . . . The *States* were going out. All that ever had been feared, or derided as improbable, or defied as impossible, or talked against, written against, prayed against, all this had actually come to pass, and in the visible physical forms of the departing senators, the States were leaving never to return. Impenetrable gloom, foreboding, and thick darkness settled upon the Senate Chamber, and the soul was troubled: each man searched his heart to find if it were he who had dishonored his fathers, and had shortened the days of the land which the Lord his God had given him. The on-lookers

thought of Webster and his prayer, that his dying eyes, as they sought the sun, might not behold it shining upon a torn and rent land, and they cursed the hour in which they themselves were witnessing the dissolution of the Union. Woe worth the day!"—From Eben Greenough Scott's *Reconstruction During the Civil War*, pp. 1-5.

3. This refers to the rescue of Shadrach, a fugitive slave, in Boston in 1852, and to similar cases of resistance to the Fugitive Slave law. Massachusetts denied the use of her jails for the detention of the fugitives. See Sumner's speech, August 26, 1852, and the Senatorial encounter of Sumner and others in 1854.—Vol. ii., *American Orations*.

